THE BULLETPROOF BLACK MAN:
CONTEXTUALIZING SUPERHERO LUKE CAGE THROUGH MASS INCARCERATION AND BLACK RADICALISM IN THE 1970s AND 2010s

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Misha Ann Matsumoto

Thesis Committee:
Margot Henriksen, Chairperson
Suzanna Reiss
Njoroge Njoroge

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INTRODUCTION

"When I think about what is going on in the world right now, the world is ready for a bulletproof black man."
-Cheo Hodari Coker,
Marvel's Luke Cage creator[1]

2017 marks the five-year anniversary of Trayvon Martin's death. Martin's story continues to be a source of inspiration and power for movements like Black Lives Matter, which recognize the continuities of racial injustices throughout American history. Solidarity for Martin continues into 2017. Professional athletes have worn hoodies in memory of Martin; mantras like "I am Trayvon Martin" highlight how Martin's experience could be any young black man's experience; former president Barrack Obama was quoted as saying, "If I had a son, he would look like Trayvon"; and celebrities have tweeted, hashtagged, and posted "hoodies up" memorials in support of the Trayvon Martin Foundation.[2] Martin's death has become a symbol for the deeply embedded history of the oppression of blacks in American society, emphasizing racial targeting, race-based biases in law enforcement, and the mass incarceration of African Americans.

Connections between the mass incarceration of African Americans and black radicalism is established in both Marvel's 1972-1973 *Luke Cage: Hero for Hire* comic book series and Netflix's 2016 *Marvel's Luke Cage* television series. After being wrongly incarcerated on a narcotics charge, Luke Cage is subjected to prison guards' abuse of power, deplorable living conditions, and medical experimentation. In hopes of attaining parole, Cage volunteers for Dr.

[1] Verne Gay, "Colter superb as superhero ascending, 'Luke Cage,'" *Honolulu Star Advertiser*, 1 October 2016, D3.
[2] Darran Simon, "Trayvon Martin's death sparked a movement that lives on five years later," *CNN,* 26 February 2017, accessed 26 February 2017. http://www.cnn.com/2017/02/26/us/trayvon-martin-death-anniversary/.
Maeve McDermott, "'Hoodies up': Celebrities honor Trayvon Martin five years after his death," *USA Today*, 26 February 2017, accessed 26 February 2017. http://www.usatoday.com/story/life/entertainthis/2017/02/26/celebrities-honor-trayvon-martin-five-years-after-his-death/98452544/.

Noah Burstein's biometric altering experiment. While in the bio-chamber, a rapacious prison guard, Captain Rackham, takes advantage of Cage's confinement and increases the chemical solution to maximum exposure attempting to kill Cage. Instead, Cage emerges from the bio-chamber with newfound powers of augmented strength and bulletproof skin, making him virtually indestructible. *Luke Cage: Hero for Hire* is representative of the increasing problem of African American mass incarceration and the rise of black radical ideas. Following the life of Cage, the comic book series shows the struggles African Americans face in a white society: unjust prison sentences and racialized targeting of black men. As the first black American hero to have his own eponymously titled comic-book series, Luke Cage and his story only lasted sixteen issues; however, with the creation of *Marvel's Luke Cage*, Cage has gained appeal with a new generation and has become a pertinent character once again.[3] The 2016 Netflix series openly addresses the proliferated racial targeting of African Americans and the prominence of a new black activism in the twenty-first century: the Black Lives Matter movement. The struggles Cage endures, and the symbolic representation of his powers in both series, are relevant reminders of the significant historical intersections between this character and the emergence of black radical movements and an increasing focus on the prison industrial complex.

In both *Luke Cage: Hero for Hire* and *Marvel's Luke Cage*, Luke Cage represents an African American prisoner who is able to use his strength, masculinity, and impenetrable skin as powerful tools to fight crime as a reluctant hero while also raising awareness of the deplorable conditions of the prison, the struggles of African Americans' fight for social equality, and the development of the fourth peculiar institution emerging in America. Sociologist Loïc Wacquant

[3] The Black Panther is the first African superhero to appear in an American comic book. The Black Panther character first appeared in Marvel's *Fantastic Four #52* (1966), and in 1976 he gained his own title series. Black Panther serves as an alias for T'Challa, a monarch of the fictional African kingdom of Wakanda, a scientist, and a former educator.

argues in "From Slavery to Mass Incarceration" (2002) that mass incarceration emerged as a new peculiar institution in the 1960s that racially targeted and segregated African Americans. The term "peculiar institution" is often associated with chattel slavery; however, through describing the peculiar institution as the defining, confining, and controlling of African Americans throughout American history, Wacquant believes that there were three peculiar institutions in American history—chattel slavery, the Jim Crow system, and the development of the ghetto.[4] Mass incarceration has emerged as the fourth ongoing peculiar institution.[5] The higher arrest rates correlated to an increase in African American incarceration due to moral panic. Between the 1960s and 1970s, harsh sentencing for minor infractions, such as robbery and drug charges, was rising in the legal system, which resulted from higher arrest rates.

Moral panic, as defined by cultural theorist Stuart Hall, is a socially constructed idea that the upper classes of society created to target those the ruling class deemed a threat to current societal norms.[6] In the 1960s, America's inner cities began to see an increase in police presence due to urban areas undergoing a period of social duress: the growth of black social and political militancy in the inner cities and the collapse of city organization and safety.[7] Civil rights lawyer Michelle Alexander also commented on the accuracy of crime statistics during the 1960s, stating that

> despite the significant controversy over the accuracy of crime statistics during this period (the FBI's method of tracking crime was changing), sociologists and criminologists agree that crime did rise, in some categories quite sharply. . . but the economic and demographic factors contributing to rising crime were not explored

[4] Loïc Wacquant, "From Slavery to Mass Incarceration: Rethinking the 'race question' in the US," *New Left Review* 13 (2002): 50-51.
[5] Ibid, 50-51.
[6] Stuart Hall et al., *Policing the Crisis: Mugging, the State, and Law and Order* (New York: Palgrave MacMillan, 1978), 305.
[7] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), 19-20.

> in the media. Instead, crime reports were sensationalized and offered as further evidence of the breakdown in lawfulness, morality, and social stability in the wake of the Civil Rights Movement.[8]

Alexander's observations on crime statistics proved similar to Hall's argument about moral panic in that the ruling class, in this case the United States government and media, defined the black community as delinquent in order to criminalize the Civil Rights movement and inner cities. Alexander then spoke to the role of incarceration in the twenty-first century. Alexander stated that prisons are a "new system of realized social control that was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites. . . . African Americans were banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal, and where they could be denied the right to vote."[9] Together, Wacquant, Alexander, and Hall have presented arguments to support the relationship between the Civil Rights movement, black radicalism, and incarceration; however, it is also necessary to analyze the connection between these issues and the development of the BLM movement.

The 1972 and 2016 Luke Cage series both address social issues of police brutality, racial stratification, and racial profiling of African Americans. These series also help to demonstrate how the contemporary Black Lives Matter (BLM) Movement, prison industrial complex, and racial stratification had roots in the 1970s black radicalism and mass incarceration of African Americans. Black radicalization in the twenty-first century began with a hashtag that went viral. #BlackLivesMatter was a response to the unjust death of Trayvon Martin in February 2012 that highlighted the deeply embedded, internal racism of American society and demonstrated the necessity for the formation of a new black radical movement. The death of Trayvon Martin and

[8] Ibid, 41.
[9] Ibid, 58.

the acquittal of his killer, George Zimmerman, were representative of a myriad of other wrongful deaths, brutalities, and acquittals that affected the black community in the twenty-first century. Building from the black radicalization of the 1970s, a new form of black radicalism has emerged in American society. In a 2015 *New York Times* article, "Time for a New Black Radicalism," Chris Lebron stated, "Radicalism responds to real conditions of oppression that bring it into being, and thus, seeks to eliminate the very conditions that make its existence necessary in the promise of resurgent black radical politics."[10] With an increase of media attention to the murder of Trayvon Martin and the subsequent deaths of other unarmed black men, such as Michael Brown, Freddie Grey, and Terence Crutcher, who died because of police brutality in the Ferguson Police Department, the Baltimore Police Department, and the Tulsa Police Department respectively, the institutionalized foundation of American racism and racial profiling became evident. Divisions between law enforcement officers and the African American community gave way to the development of a new radical movement: Black Lives Matter (BLM).

Martin's death resulted in the creation of a new radical movement, Black Lives Matter, that advocated social, economic, and political equality for black Americans. According to Vann R. Newkirk II, writer for *The Atlantic*, #BlackLivesMatter signified a movement that was not just another "disruptive political ephemera, but a movement that is learning and building as it expands." [11] The hashtag quickly transformed into an organization that was determined to "affirm that all black lives matter . . . and affirm Black folks' contributions to society, humanity, and resilience in the face of deadly oppression."[12] It was meant to be "a call to action for Black

[10] Chris Lebron, "Time for a New Black Radicalism," *New York Times*, 22 June 2015, accessed 15 September 2016.
[11] Vann R. Newkirk II, "The Permanence of Black Lives Matter," *The Atlantic*, 3 August 2016, accessed 8 December 2016.
[12] Black Lives Matter, "Guiding Principles," *Black Lives Matter*, 2016, accessed 24 December 2016.
Black Lives Matter, "About the Black Lives Matter Network," *Black Lives Matter*, accessed 21 March 2017.

people, after seventeen-year-old Trayvon Martin was posthumously placed on trial for his own murder and his killer, George Zimmerman, was not held accountable for the crime he committed."[13] With increasing rates of police brutality throughout America, the need to raise awareness of the deeply embedded racial stereotyping and targeting of black men and women contributed to the creation of the Black Lives Matter movement by Alicia Garza, Opal Tometi, and Patrisse Cullors.

The association of police violence and law enforcement's racial assumptions about African Americans has fueled a resurfacing of black radicalism through the formation of the BLM movement. The BLM movement believes in "an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folk's contributions to this society, humanity, and resilience in the face of deadly oppression."[14] The movement focuses on diversity, restorative justice, and equality and is unapologetically black. [15] Similarities emerge between the 1970s black radical group, the Black Panther Party (BPP), and the twenty-first century BLM movement, specifically in the affirmations in the Black Panther Party's ten-point program and the BLM movement's political platform. Demands for a fair criminal justice system, economic opportunities, political power, self-determination, and housing options are seen in both the Civil Rights movement and Black Lives Matter movement's outcries for equality.[16] Additionally, the BLM movement's unapologetically black base is reminiscent of Malcolm X, Stokely Carmichael, and the other black radicals who promoted the movement's call for black power. In a time when systematic

[13] Black Lives Matter, "Guiding Principles," *Black Lives Matter*, 2016, accessed 24 December 2016.
Black Lives Matter, "About the Black Lives Matter Network," *Black Lives Matter*, accessed 21 March 2017.
[14] Black Lives Matter, "We Affirm that All Black Lives Matter," *Black Lives Matter*. Accessed 21 September 2016. http://blacklivesmatter.com/guiding-principles/.
[15] Unapologetically Black is a term coined by the Black Youth Project 100 (BYP100) and is defined as being unapologetically Black in positioning. Black Lives Matter, "We Affirm that All Black Lives Matter."
[16] Newkirk, "The Permanence of Black Lives Matter." Black Panther Party, "What We Want, What We Believe."

inequality is a daily facet of life for many American minorities, the new black radicalism and the BLM movement represent an extension of the Civil Rights movements of the 1960s and 1970s that advocated socioeconomic and political equality for African Americans.

The BLM movement, which Newkirk concentrates on analyzing, is a coalition of multiple groups that advocate racial equality. The movement created visionary demands reminiscent of the Black Panther's Ten-Point Program. The Black Lives Matter political platform, according to Newkirk,

> has been known on social media, and lays out six core planks around criminal justice, reparations, investment and divestment, economic justice, community control, and political power. Some of these items, including the criminal-justice components of the platform's demands to "end the war on black people," are likely familiar to anyone who followed the development of Black Lives Matter. But other ideas, including demands to add special protections for trans, queer, and gender nonconforming people to anti-discrimination laws, a call for free education for black people, and a proposal to implement black economic cooperatives, have not previously been spelled out quite this clearly . . . . A lot of [these visionary demands] were pulled from the Black Panthers' Ten-Point Program. That program demanded education reform, an end to police brutality, fair housing, legal self-determination, and a host of other reforms from politicians. While it was unsuccessful, its influence on black politics in the world after the civil-rights movement is clearly reflected in the Black Lives Matter platform.[17]

The points indicated in Newkirk's comparison validate the correlation between black radicalism in the 1960s and 1970s, the continued oppression of blacks through the criminal justice system, and the development of a new black radicalism emerging in contemporary American society.

Chapter One of this thesis explores the development of the Black Lives Matter movement and how it draws upon ideologies from the Civil Rights movement, propelling a new form of black radicalism into the twenty-first century. After the death of Trayvon Martin, Black Lives

[17] Ibid.

Matter activists began to bring the question of legalized black repression to the forefront of America's cognizance and media. One difference between the BLM movement and that of the Civil Rights Movement is that there is no clear recognizable leader, such as Martin Luther King, Jr. and Malcolm X previously; however, the lack of notable leadership has not prevented the development of the movement and represents the democratization of protest leadership.[18] The traction that #BlackLivesMatter gained demonstrates the political consciousness reigniting within the black community by relying on the power of social media to stay connected and organize rallies and protests against police brutality. The development of #BlackLivesMatter is rooted in more than just a response to Martin's murder; it is also a movement to address the miscarriage of justice in the American legal system and the issues people living in inner cities must overcome. The BLM movement promotes an intersectional approach to the study of race in order to avoid the homogenization of groups through addressing race in relation to society, politics, and economics.

Chapter Two presents the mass incarceration of African Americans in the twenty-first century as an extension of the historical subjugation of African Americans. As the developing fourth peculiar institution, mass incarceration demonstrates the continuation of legalized racial inequality in America. Drawing upon critical prison study scholars such as Angela Davis, Michelle Alexander, Dan Berger, Kimberlé Crenshaw, Heather Ann Thompson, and Marie Gottschalk, a historiography of condemning, confining, and defining African Americans is assessed to demonstrate the importance of looking into the ironies and inequalities that are implemented in America's criminal justice system. The analysis of these scholars' studies

[18] Elizabeth Day, "#BlackLivesMatter: the birth of a new civil rights movement," *The Guardian*, 19 July 2015, accessed 9 December 2016.

enables an argument that connects how mass incarceration from the 1970s led to the expansion of racial targeting and police brutality.

Chapter Three demonstrates how the comic book series, *Luke Cage: Hero for Hire* (1972-1973), and the Netflix series, *Marvel's Luke Cage* (2016-), show the connection between black radicalism and the mass incarceration of blacks in the 1970s and the Black Lives Matter movement of 2016, and how the two Luke Cage series are responses to the social and political climate during their respective eras. Between 1972 and 1973, the publication of *Luke Cage: Hero for Hire,* occurred during a time when having a strong, innocent, and impenetrable black man was threatening to the current state of white society and was representative of the increasing problem of the mass incarceration of African Americans and the rise of black radical ideas. Likewise, in the revitalization of Cage in the 2016 Netflix series, *Marvel's Luke Cage*, Cage's bulletproof skin resonates with the public after the multiple shootings of unarmed black men in American society and pays homage to Trayvon Martin through Cage wearing a dark grey hoodie. Both series follow the life of Cage before and after incarceration and depict the struggles blacks face in a white society: racialized targeting of black men and cruel and unusual punishment in the carceral system. Through analyzing the first black American superhero with his own eponymously named series, Chapter Three frames Luke Cage as a reemerging political and cultural representation of black rage and black need during times of racial polarization and mass black incarceration in the United States and as representation of black defiant strength against white aggression and oppression. Ultimately, this thesis aims to contextualize how Luke Cage represents the socio-economic and legal struggles blacks face when it comes to white aggression and suppression in American society, connecting the 1970s black radicalization, and the mass incarceration of blacks to the twenty-first century Black Lives Matter movement, and

contemporary police brutality to in-depth readings of *Luke Cage: Hero for Hire* and *Marvel's Luke Cage*.

CHAPTER ONE

#BlackLivesMatter:
The Inequalities of the American Justice System

> "Black America is in a state of protest. The twenty-first century civil rights movement . . . is fuelled by grief and fury, by righteous rage against injustice and institutionalized racism and by frustration at the endemic brutality of the state against those it deems unworthy." -Elizabeth Day, *The Guardian*, 2015[19]

It Began with a Hashtag: #BlackLivesMatter, Establishing a Movement, Not a Moment

On 26 February 2012, a white Hispanic man, George Zimmerman, shot the unarmed, seventeen-year-old Trayvon Martin. CNN writer Greg Botelho reported that Martin was not a resident of Sanford, Florida, but had been in Sanford visiting his father for seven days.[20] Wearing a dark grey hoodie, Martin was walking back to his father's fiancée's house from a 7-Eleven when he encountered the self-deputized neighborhood watch member George Zimmerman. According to the 911 calls Zimmerman placed, Zimmerman said he noticed "a real suspicious guy . . . like he's up to no good, or he's on drugs or something."[21] Several neighbors attested to hearing a loud commotion that sounded like arguing, and one of the neighbors placed a 911 call after Zimmerman confronted Martin. Police counted fourteen "help" or "help me" cries in the background of that call, and due to the emotional distress of the voice, there could be no confirmation of whose voice was calling for help.[22] Shortly after the cries for help, several witnesses confirmed hearing a gun shot; this gun shot came from Zimmerman's 9mm semiautomatic black handgun. Martin was shot on the left side of his chest, and at 7:30 p.m.

[19] Day, "#BlackLivesMatter."
[20] Greg Botelho, "What happened the night Trayvon Martin died," *CNN*, 23 May 2012, accessed 18 December 2016. http://www.cnn.com/2012/05/18/justice/florida-teen-shooting-details/.
[21] Ibid.
[22] Ibid.

Martin was pronounced dead. Aside from the gunshot wound in Martin, the medical examiner also found a scratch on his finger and trace elements of Tetrahydrocannabinol (THC).[23] On 13 March 2012, police determined that if Zimmerman had stayed in his vehicle and waited for the police to arrive, then Martin's death could have been avoided.[24] On 11 April 2012, Zimmerman was charged with second-degree murder, arrested, and subsequently released on bail.

Approximately a year later, on 30 April 2013, Zimmerman waived his right to a "stand your ground" pretrial immunity hearing, deciding to go to court for a self-defense case.[25] Florida's Stand Your Ground law modifies the traditional definition of self-defense, enabling a person to stay and fight their aggressor rather than requiring them to flee.[26] On 13 July 2013, the all-female jury found Zimmerman not guilty. Zimmerman was acquitted of second-degree murder. Finally, on 24 February 2015, the United States Justice Department announced that there would be no federal civil rights charges brought against Zimmerman for Martin's death.[27] The acquittal of Zimmerman was significant for numerous reasons. First, the death of Martin brought the racial tensions in the United States to the public's attention as all major media outlets covered Martin's murder in 2012. Secondly, Zimmerman's 911 call about a suspicious-looking figure wandering around the neighborhood demonstrated how moral panic had seeped into the life of American neighborhoods through the development of neighborhood watches and concerned citizens.[28] Due to racial stereotyping and the over-reporting of suspicious activity, many of these

[23] Ibid. TCH is also known as cannabis.
[24] ibid.
[25] CNN Library, "Trayvon Martin Shooting Fast Facts," *CNN,* 7 February 2016, accessed 31 December 2016. http://www.cnn.com/2013/06/05/us/trayvon-martin-shooting-fast-facts/.
[26] Matthew McKnight, "The Meaning of the Trayvon Martin Case," *The New Yorker*, 20 March 2012, accessed 21 March 2017. http://www.newyorker.com/news/news-desk/the-meaning-of-the-trayvon-martin-case.
[27] Evan Perez, Shimon Prokupecz, and Greg Botelho, "No civil rights charges against Zimmerman in Martin's Death," *CNN*, 24 February 2015, accessed 31 December 2016. http://www.cnn.com/2015/02/24/us/zimmerman-martin-civil-rights/.
[28] Hall et al., 129.

neighborhood watches directly focused their attention on African Americans.[29] Finally, the United States Department of Justice's ruling suggested that the justice system has been unable effectively to discern and eliminate racism embedded in the nation.

Similar to the Zimmerman's acquittal, the death of Martin unearthed issues integral to black lives and criminal justice legislation. Florida's state law enabled Zimmerman to escape manslaughter charges due to the state's self-defense statute and justifiable use of force, defined through the "use-of-force-by-an-aggressor" clause. The use-of-force-by-an-aggressor clause validates the use of force as long as a person is defending himself for herself from

> a person who: (1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or (2) Initially provokes the use of force against himself or herself unless: (a) such force is so great that the person reasonably believes he or she is in imminent danger of death or great bodily harm and that he or she has exhausted every reasonable means to escape danger . . . or (b) in good faith, the person withdraws from physical contact with the assailant.[30]

For Zimmerman to be found guilty of second degree manslaughter, the state would have had to prove, beyond any reasonable doubt, that Zimmerman was not acting in self-defense and therefore not guilty of murder.[31] Zimmerman only had to believe he was clearly in danger in order for him legally to use aggressive force in self-defense. Since the evidence of what truly occurred in the confrontation was unclear, the jury had reasonable doubt and declared Zimmerman not guilty. The protection Zimmerman received under Florida's self-defense statute

[29] McKnight, "The Meaning of the Trayvon Martin Case."
[30] The 2012 Florida State Statue, Chapter 776: Justifiable Use of Force, no. 776.041, 2012, accessed 3 January 2017. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0776/Sections/0776.041.html. The 2016 Florida State Statue, Chapter 776: Justifiable Use of Force, no. 776.041, 2016, accessed 3 January 2017. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute &Search String=&URL=0700-0799/0776/Sections/0776.041.html.
[31] Ta-Nehisi Coates, "Trayvon Martin and the Irony of American Justice," *The Atlantic,* 15 July 2015, accessed 9 December 2016. https://www.theatlantic.com/national/archive/2013/07/trayvon-martin-and-the-irony-of-american-justice/277782/.

and the use-of-force-by-an-aggressor caveat is an example of Michelle Alexander's argument about how enforcement laws can be a result of personal biases against racial minorities, under the guise of police officers' manipulation the interpretation of legislation and increasing patrols in areas where racial minorities reside.[32] Adding moral panic into the mix of personal prejudices in law enforcement, a systemic method to police and oppress minorities has become a common theme in the American justice system.

According to Yale University law professor, Robert Post, the development of antidiscrimination laws "seeks to neutralize widespread forms of prejudice that pervasively disadvantage persons based upon inaccurate judgments . . . and manifest when it is directed against immutable traits, like race or sex."[33] Post notes that antidiscrimination laws were meant to reduce prejudices in the workplace; however, he also acknowledges the ramifications antidiscrimination laws have on legal trials because "blindness renders forbidden characteristics invisible; it requires [people] to base their judgment upon the deeper and more fundamental ground of 'individual merit' or 'intrinsic worth.'"[34] Determining individual merit and intrinsic worth then becomes personal, subjective criteria for judgment. Michelle Alexander supports Post's claims, arguing that while discrimination against race and gender is explicitly seen in legislation, racial and gender based discrimination is still seen in the enforcement of the criminal justice system.[35] Anti-discriminatory legislation that was developed in the twentieth century helps to eliminate racism in policing and discrimination on a surface level; however, rather than confronting the deep-seeded prejudices regarding race, the enforcement of these laws allow for

[32] Alexander, 201.
[33] Robert C. Post, "Prejudicial Appearances: The Logic of American Antidiscrimination Law," *Faculty Scholarship Series* 192 (2000): 8.
[34] Ibid, 11.
[35] Alexander, 2.

officers to carry out personal and racial biases into arrests, furthering the socio-racial class structure in American society.

The outcome of antidiscrimination laws results in temporary solutions to omit racism in policing. Building off of Post's work, law professor Reva B. Siegel states that social color-blindness is "a social condition of racial stratification, . . . recognizing group identity but ignoring the consequences of group identity for purposes of the relevant social transaction."[36] Sociologist George Lipsitz's definition of social colorblindness is similar to Siegel, as he claims it is the result of racial divisions of society and normalizes and rationalizes race into a single category.[37] As an attempt to resolve racial division in society, social colorblindness was established to acknowledge that society is made up of various races, but the concept fails to recognize the ramifications of implicit bias, which allows for racial profiling and prejudices to occur in law enforcement. With the implementation of new laws, discrimination is seen through the criminal justice system, ignoring the consequences of group identity in order to discriminate based upon criminal action among racial minorities.[38] While new legislation improves equality in legislative rhetoric, personal prejudices in the justice system furthers racial stratification because the laws are commonly policed in areas where racial minorities reside.

Historically, young black men have been subjected to harsh sentencing due to America's role as a racist police state. In 1960, at the age of eighteen, George Jackson was accused of stealing seventy-one dollars from a gas station and was sentenced to anywhere from one year to a life sentence in prison, a miscarriage of justice that increased black radicalism and activism. Throughout his life, Jackson always caught the attention of the police and had constant run-ins

[36] Reva B. Siegel, "Discrimination in the Eyes of the Law: How Color Blindness Discourse Disrupts and Rationalizes Social Stratification," *California Law Review* 88 (2000): 84.
[37] George Lipsitz, "Introduction: A New Beginning," *Kalfou* 1 (2014): 12
[38] Alexander, 2.

with the law.[39] In *Soledad Brother: The Prison Letters of George Jackson* (1994), Jackson wrote a letter to his lawyer, Fay Stender. Jackson's 10 June 1970 letter contained his observations "that racism is stamped unalterably into the present nature of American sociopolitical and economic life in general (the definition of fascism is: a police state wherein the political ascendancy is tied into and protects the interest of the upper class—characterized by militarism, *racism*, and imperialism)."[40] Jackson pointed out the fundamental role race played in American society and the difficulty of attempting to change these preconditioned ideas of race and class. Institutionalized racism is embedded in America's socio-political structure and has disenfranchised, oppressed, and condemned blacks.

While incarcerated, George Jackson, George "Big Jake" Lewis, James Carr, W. L. Nolen, Bill Christmas, Torry Gibson and other prisoners attempted to "transform the black criminal mentality into a black revolutionary mentality. As a result, each of us has been subjected to years of the most vicious reactionary violence by the state."[41] Jackson illustrated how black subjection has resulted in ideological shifts that promoted ideas of black radicalism, showing how ideas of rebellion were used as an excuse by those in power to legitimize the use of violence as a method to protect the socio-political structure. As blacks raised awareness of lingering notions of racism in America, black radicalism became seen as a form of rebellion, which threatened the nation's political consciousness, enabling law enforcement to dispatch troops to suppress rebellious acts. However, in reality, black radicalism was a response to oppressive measures the state had implemented.

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[39] Lee Bernstein, "Jackson, George," *American National Biography Online*, October 2014, accessed 4 October 2016. http://www.anb.org/articles/15/15-01374-print.html.
[40] George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (New York: Lawrence Hill Books, 1994), 18.
[41] Ibid, 16.

When African Americans contested racial stereotypes about black criminal intent in the twentieth and twenty-first centuries, confusion arose within white juries over how these citizens should be perceived. The experiences of Edmund Perry (1985) and Paul Butler (2009) are examples of how white suppression of blacks is seen in public biases that racially target black men under the protection of probable cause clauses. Edmund Perry was a black teenager who was originally from Harlem, New York, and studied at the Phillips Exeter Academy in Exeter, New Hampshire; in 1985, he graduated with honors and received a full scholarship to Stanford University.[42] On 12 June 1985, at 12:55 a.m., Perry was killed by white plain-clothes cop, Lee Van Houten.[43] Van Houten was patrolling between 113th Street and Morningside Drive in New York when two men assaulted him, resulting in him losing consciousness; due to his blurred vision, Van Houten did not see his attacker clearly.[44] Before losing consciousness, Van Houten fired his weapon at his assumed attacker, resulting in the unarmed Perry's death. The second assailant was believed to be Jonah Perry, Edmund Perry's brother, who was later acquitted of assault charges in 1986.[45] Van Houten pled self-defense for Perry's murder and was eventually acquitted of all charges. Perry's wrongful death illustrates how racial motivations factored into Van Houten's decision to fire his weapon in self-defense. Drawing upon a recent Sentencing Project study regarding implicit biases, in a simulated shooter study, white shooters were able more quickly and accurately to shoot a target when the target was black.[46] Applying this study to

[42] Michael Eric Dyson, *Reflecting Black: African-American Cultural Criticism* (Minneapolis: University of Michigan Press, 132-33.
[43] Ibid, 133.
[44] Associated Press, "The Death of Edmund Perry," *The New York Times* 23 June 1985, accessed 21 March 2017. http://www.nytimes.com/1985/06/23/opinion/the-death-of-edmund-perry.html.
[45] Robert D. McFadden, "Settlement Reached in Perry Wrongful-Death Suit," *The New York Times*, 13 March 1989, accessed 21 March 2017. http://www.nytimes.com/1989/05/13/nyregion/settlement-reached-in-perry-wrongful-death-suit.html.
[46] Nazgol Ghandnoosh and Christopher Lewis, "Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies," *The Sentencing Project Research and Advocacy for Reform* (2014), 15.

Perry's death, implicit bias is seen in Van Houten's decision to shoot Perry, as Van Houten shot based on skin color.[47] Similar to the trial of George Zimmerman, Van Houten's acquittal demonstrated the inability of courts to bring charges in posthumous, wrongful death trials of young, black men.

While Perry's death occurred in 1985, black convictions and white assumptions about black criminal intent continued into the twenty-first century. In *Let's Get Free: A Hip-Hop Theory of Justice* (2009), Paul Butler, a prosecuting attorney, recounts the systemic racism he experienced when he was arrested over an argument about a parking space. Butler's neighbor, an elderly white woman known as Detroit, was renting out the parking space that was assigned to Butler, as indicated in his apartment lease; when Butler proceeded to rent out his stall, Detroit called the police and stated Butler had pushed her, causing her to fall and become injured. Butler was arrested and placed in a holding cell. Despite being told the case would be dismissed, the case went to court as a federal trial: *United States v. Paul Butler*. According to Butler, in criminal federal cases "virtually every criminal lawyer agrees that race matters and . . . defense attorney Alan Dershowitz once claimed that ninety-nine percent of police officers lie under oath."[48] The police officer testifying against Butler lied under oath in order to depict Butler as an aggressive vandal. However, luckily for Butler, Butler was able to provide character witnesses from the United States prosecuting office, where he worked, and the jury found the defendant not guilty. In the words of Butler:

> My story is different from those of most of the approximately 14-million Americans who get arrested every year. I had the best defense attorney in the city, because I could afford her. I knew how to appeal to the jury. . . . In addition to carefully preparing my testimony, I made sure that my haircut was conservative and my

[47] Dyson, *Reflecting Black*, 135.
[48] Paul Butler, *Lets Get Free: A Hip-Hop Theory of Justice* (New York: The New Press, 2009), 12-13.

> shoes were shined. I knew how to look like the kind of African American a jury would not want to send to jail.[49]

In the criminal justice system, Butler's experience is a rarity for African Americans. Unlike other convicted blacks, Butler's occupation enabled him to have the opportunity to afford the best defense and his knowledge of the law helped him to convince the jury that he was innocent.

The events surrounding Perry, Jackson, Butler, and Martin are vivid examples of how African Americans have been deprived of equal treatment in the American justice system, illustrating how enforcement's racial biases enable the justice system to rationalize African American criminalization. As a result of Martin's death, the BLM movement was propelled into becoming a national movement. The BLM movement focuses on restorative justice,[50] embraces unapologetically black rhetoric and ideologies, and encourages millennials to become involved in the twenty-first century's fight for civil rights.[51] The urgency of advocating millennial participation in the BLM movement is integral to inspiring and educating a new generation to fight for equality and enable the development of a new black radicalism to emerge.

Synthesizing Black Radicalism: from the Civil Rights Movement to 2016

In the 1960s, prominent civil rights leaders were often seen as out of touch with the needs of the working-class sector in the black community, leading the working class to develop its own forms of resistance that focused on everyday methods of resistance that transcended formal political movements in order to bring attention to the widespread repression and segregation in

[49] Ibid, 16.
[50] The BLM movement defines restorative justice as being committed to working for freedom and justice for Black people and forging a path that is intentionally built and nurtured in a community that is bonded together to restore Black lives. This thesis uses the BLM's definition of restorative justice whenever the term is utilized. Black Lives Matter, "Guiding Principles."
[51] Black Lives Matter, "Guiding Principles."

American society.[52] Martin Luther King, Jr. was seen by some as a representative of the black middle class because, although King also was incarcerated for his seemingly radical ideas, King ultimately symbolized a triumphant Civil Rights leader because his ideology was selectively remembered in support of American democracy.[53] On the other hand, Malcolm X was perceived as a revolutionary militant who advocated action against repressive forms of government. As a result of the radicalization of African Americans during the 1960s, sociologist Herbert H. Haines recognized how "the emergence of black militants in the 1960s helped to increase white acceptance of nonviolent tactics and integrationist goals."[54] Civil disobedience was embraced by the American media as an appropriate form of protest, an idea that would later be carried into the twenty-first century.

Both Martin Luther King, Jr. and Malcolm X embraced radical ideologies and actions. King is represented as a champion of civil disobedience, peaceful protesting for democracy; however, what is not commonly known is that King's constant confrontation with racism caused him to waver in his optimistic outlook on the "capacity and willingness of whites to practice social justice."[55] Historian Michael Eric Dyson notes that due to the ongoing racist and segregationist policies in America's government, King began to consider the temporary segregation of African Americans as a way to revitalize the economic health of black communities, an idea that Booker T. Washington had initially proposed in his 1895 Atlanta

[52] Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1994), 79.
[53] Angela Y. Davis, *Freedom is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement* (Chicago: Haymarket Books, 2016), 62, 64.
[54] Herbert H. Haines, "Black Radicalization and the Funding of Civil Rights: 1957-1970," *Social Problems* 32 (1984): 32.
[55] Dyson, *Reflecting Black,* 259.

Compromise Speech.[56] Dyson also states that King's initial support of civil disobedience was seen as a threat to social order and opposed the traditional role religious leaders should hold in politics; but, the rise of black radicalism in the late 1960s helped change the public outlook on King's rhetoric, embracing him as a prominent civil rights activist.[57] Yet, while King is commonly remembered as a nonviolent activist, Malcolm X is popularly viewed as a violent, black militant radical.

Malcolm X became a spokesperson for Black Muslims, in particular, the working-class black community. Many working-class blacks believed that the American economy failed to provide equal opportunity for all sectors of society and that democracy had failed African Americans.[58] In Malcolm X's autobiography, he stated that "to segregate means to control. Segregation is that which is forced upon inferiors by superiors," and he went on to claim that the United States' government instituted segregation as a method to control African Americans for centuries.[59] Rather than accept integration, Malcolm proclaimed that integration would deny African Americans of their cultural uniqueness, as integration was equated with black homogenization to white American standards of culture and identity.[60] Malcolm X advocated that African Americans should be unafraid to embrace their blackness; he evoked a sense of racial pride, and claimed that economic equality should be available to everyone, regardless of

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[56] Ibid, 259. Booker T. Washington, "1895 Atlanta Compromise Speech," in *The Booker T. Washington Papers*, vol. 3, ed. Louis R. Harlan (Urbana: University of Illinois Press, 1974), 583-587.
[57] Michael Eric Dyson, *Making Malcolm: The Myth and Meaning of Malcolm X* (New York: Oxford University Press, 1995), 25-7.
[58] Booker T. Washington understood that it was more important to first focus on gaining economic equality and opportunity than to endorse integration and social equality when there was no guarantee of equal economic equality. Washington then argued that to first gain economic equality was more important because "the opportunity to earn a dollar in a factory just now is worth infinitely more than the opportunity to spend a dollar in an opera-house." It would not matter if freed men earned the right to spend a dollar and go into an opera house, if they were unable to earn a dollar. Washington, 583-587.
[59] Malcolm X and Alex Haley, *The Autobiography of Malcolm X: As Told to Alex Haley,* (New York: Ballantine Books, 1999), 251, 260.
[60] Ibid, 260.

race.[61] In order to attain socioeconomic equality, Malcolm X argued for the African American community to come together and take action against racism and repression throughout America.[62] After leaving the NOI, Malcolm X gave a statement at the Organization of Afro-American Unity (1965), which said that blacks:

> must be prepared to defend themselves or they will continue to be a defenseless people at the mercy of a ruthless and violent racist mob. . . . It's lawful to have something to defend yourself. . . . The time to allow ourselves to be brutalized and nonviolent is passé. Be nonviolent only with those who are nonviolent to you. When you can bring me a nonviolent racist, bring me a nonviolent segregationist, then I'll become nonviolent. . . . It's hard to be racist and to be nonviolent. It's hard for anyone intelligent to be nonviolent. . . . Those days are over."[63]

Malcolm X's call for action and self-defense against repressive actions resulted in misinterpretations of his rhetoric. Michael Eric Dyson argues that the rebirth of Malcolm X's cultural popularity, specifically in rap and hip hop culture, related to seeing Malcolm X's rhetoric as a radical social ideology that upheld violent uprisings against the government to evoke change.[64] Malcolm X said, "It is a miracle that the American black people have remained a peaceful people, while catching all the centuries of hell that they have caught, here in a white man's heaven!"[65] African Americans had attempted nonviolent forms of protests and had been, for the most part, peaceful in their actions, but this peaceful form of activism only resulted in minimal progress toward equality.

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[61] Malcolm X, "Statement of the Organization of Afro-American Unity," in "Malcolm X and Revolutionary Black Nationalism by Malcolm X," in *Let Nobody Turn Us Around Voices of Resistance, Reform, and Renewal an African American Anthology,* eds. Manning Marable and Leith Mullings (Lanham: Rowman & Littlefield Publishers, Inc., 2000), 437.
[62] Malcolm X, "The Ballot or the Bullet," in "Malcolm X and Revolutionary Black Nationalism by Malcolm X," in *Let Nobody Turn Us Around Voices of Resistance, Reform, and Renewal an African American Anthology,* eds. Manning Marable and Leith Mullings (Lanham: Rowman & Littlefield Publishers, Inc., 2000 408.
[63] Malcolm X, "Statement of the Organization of Afro-American Unity," 418.
[64] Dyson, *Making Malcolm*, 82-3. Jeff Chang, *Can't Stop, Won't Stop: A History of the Hip Hop Generation* (New York: St. Martin's Press, 2005), 31.
[65] Malcolm X and Haley, 251.

As part of a male-led political activism, Malcolm X's call to action inspired activists like Stokely Carmichael to advocate for African Americans to embrace their masculinity and the idea of self-defense and black pride, ideas associated with black radicalization against a justice system that failed to respond to nonviolent forms of civil disobedience. Malcolm X and Stokely Carmichael promoted the idea of blacks embracing and accepting their racial differences and being proud to be black, and these men helped to create the image of the powerful, masculine black man that white America had feared for so long. The portrayal of Luke Cage in *Hero for Hire* and *Marvel's Luke Cage* fictionalizes some aspects of the ideas of Malcolm X and Carmichael: the strong, masculine, bulletproof black man, who is unafraid to take action against the exploitation of the black community.

The influence of Malcolm X's calls for African American self-defense did not end with his death. George Jackson's notions about how African Americans should seek economic and social equality echoed Malcolm X's ideas of socio-economic equality and resistance. Jackson viewed the development of capitalism as a way "to turn people against themselves, people against people, people against other groups of people . . . promot[ing] competition, division, mistrust, a sense of isolation."[66] As Jackson saw it, capitalism's enforcement and condemnation of social inequality resulted in an increase in policing and targeting of inner city residents, mainly African Americans.[67] Malcolm's proclamation for self-defense carried on into the 1970s as George Jackson claimed, "the concept of nonviolence is a false idea."[68] Jackson went on to state that nonviolent actions were perceived as a form of weakness, and black America had been

[66] Jackson, *Soledad Brother*, 239.
[67] Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American Society." *Journal of American History* 97 (2010): 713.
[68] Jackson, *Soledad Brother*, 168.

perceived as weak and passive for too long to continue participating in civil disobedience.[69] Nonviolence, according to both Malcolm X and Jackson, was ineffective and detrimental for black America. In order for African Americans to attain equality, they must embrace the potential of becoming what the public may view as radical, violent activists in their attempt to reform America's society and penal system. The rhetoric and ideologies of Malcolm X and Stokely Carmichael continued to resonate in the 1970s. The 1970s marked a decade of embracing, as well as contesting, black radicalism, black militant ideas and the belief that justice and reform were needed in society, raising awareness of and reforming the methods of controlling and incarcerating African Americans and creation of federal groups, like the Counter Intelligence Programs (COINTELPRO),[70] to investigate activists and black radical groups, like the Black Panther Party.

Black Radicalism and Incarceration in the 1970s and 2010s

During the 1960s and 1970s, incarceration played a vital role in the Civil Rights movement, perpetuating the connotation of black radicalism as a societal threat to white America and also as a method of empowerment. Incarceration was used to raise awareness of how the enforcement of legislation impacted the justice system. 1961 and 1963 were turning points in the Civil Rights movement because more than 20,000 men, women, and children were arrested for

[69] Ibid, 225.
[70] J. Edgar Hoover initially created the COINTELPRO to target the Socialist Workers Party and Community Party USA between the 1940s and 1950s; however, the COINTELPRO division was eventually used to target organizations whose ideologies differed from the traditional political ideology of the United States government. One of the COINTELPRO's specific targets was the Black Panther Party, as seen in Congress' "The FBI's Covert Action Program to Destroy the BPP."
Ward Churchill and Jim Vander Wall, *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement* (Boston: South End Press, 1990), 37-39, 42.

protesting against segregation in America.[71] In particular, in 1963, Martin Luther King, Jr. was arrested and sent to the Birmingham jail, allowing the Civil Rights movement to attain national and global prominence, and the March on Washington occurred. King's arrest garnered global attention and broke the stigma of imprisonment, as the incarceration of Civil Rights activists increased awareness of their platform.[72] King's imprisonment promoted the social acceptance of using prison as a means of furthering the Civil Rights movement. In 1963 alone around 15,000 activists were arrested.[73] Rallying cries of "fill the jail" and "jail no bail," were used to inspire other protesters to be arrested.[74] Jail represented commitment to the movement and was used as a way to attract national attention to the fight for racial equality.

Segregation was used as a method of classification that designated blacks as second class citizens.[75] While Congress approved the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and miscegenation laws were abolished, these development of these new laws only inspired new tactics to emerge to continue segregation in America. [76] In order to retain the racial caste order within American society, a rise in African American incarceration was seen throughout the nation. Black radicals, like Ida B. Wells, critiqued that carceral systems became reflective of chattel slavery and the convict-leasing system from both the Old and New South, where legal punishment was used as a means to isolate and segregate a targeted population and that those in power who decided the fate of arrested offenders were predominately white men who held

[71] Alexander, 37.
[72] Berger, 32.
[73] Alexander, 37.
[74] Berger, 34.
[75] Davis, *Are Prisons Obsolete?*, 25
[76] Berger, 38.

certain prejudices.[77] During the Civil Rights movement, crime reports were sensationalized and used as evidence to prove the breakdown of lawfulness and morality in society.[78] Once the Civil Rights movement had gained the Supreme Court's support in the regulation and outlawing civil discrimination in America, higher rates of police patrols occurred in the South.[79] Additionally, the Harlem and Rochester Riots in the summer of 1964 aided in increasing white public support to use strict law enforcement against Civil Rights protestors and activists.[80] The evolution of the use of prison served as a tool of persuasion for both sides of the movement. For Civil Rights activists, political arrests were viewed as a commitment to their fight for social and racial equality; however, for opponents of the Civil Rights movement, incarceration was used to stigmatize blacks and utilized as a way to control and contain that population.

Historian Dan Berger demonstrates how "the prison is a metaphor for the state and the interpersonal violence that the marginalized groups experience as well as the physical place where violence reached its logical conclusion."[81] Prison is the ultimate end for activists, whether it be civilly or violently, as those who commonly protest represent groups that have been ostracized from participating in the nation's system. Protests, according to historian Percy Green II, are a product of civil disobedience, which is in turn a reaction to oppressive systems of governance in a nation.[82] The suppression of protest groups and radical behavior is driven through denial. According to Alexander, "Denial is facilitated by persistent racial segregation in housing and schools, by political demagoguery, by racialized media imagery, and by the ease of

[77] Ida B. Wells et. al., "The Convict Lease System" in *The Reason Why the Colored American Is Not in the World's Columbian Exposition: The Afro-American's Contribution to Columbian Literature*, ed. Robert W. Rydell (Chicago: University of Illinois Press, 1999), 23. Davis, *Are Prisons Obsolete?*, 24-25.
[78] Alexander, 41.
[79] Percy Green II et al, "Generations of Struggle" *Transition* 119 (2016): 16.
[80] Alexander, 41.
[81] Berger, 227.
[82] Green II et al, 11.

changing one's perception of reality simply by changing television channels."[83] However, America's prison system statistics signify otherwise. America's carceral system shows that the nation is still racist, using the criminal justice system as a method to discriminate against black criminals. The deep-seated racism in society enabled the prison to emerge as the fourth peculiar institution in American history, allowing for an intersectional approach to the study of the race to develop in America.

Intersectionality and Social Mobilization's Role in Developing the BLM Movement

The collective movement of BLM demonstrates how racial stratification caused social mobilization, increasing awareness of racism in America.[84] The racial inequalities in American society caused racial stratification, especially when social issues are used to mobilize groups of people.[85] The BLM movement is a result of America's racial stratification and the movement analyzes racism through an intersectional approach by showing how race, space, gender, and politics factor into racial inequality.[86] Unlike the Civil Rights movement of the 1960s and 1970s, the BLM movement focuses on those who have been relegated within marginalized populations: women, the transgendered, and queers of color. The BLM has created a space for the celebration and humanization of all black lives, not just the patriarchal heterosexual leaders widely associated with the Civil Rights movement.[87] However, while Black Lives Matter has

[83] Alexander, 182.
[84] Lipsitz, 9.
[85] Sylvanna M. Falcón, "The Globalization of Ferguson: Pedagogical Matters about Racial Violence," *Feminist Studies* 41 (2015): 220.
[86] Ibid, 221.
[87] Alicia Garza, "A Herstory of the #BlackLivesMatter Movement," *The Feminist Wire* 7 October 2014, accessed 26 January 2017. http://www.thefeministwire.com/2014/10/blacklivesmatter-2/.

successfully mobilized marginalized populations, the development of race-neutral legislation has produced a society that targets criminal discrimination.

One outcome of social mobilization and protests has been the extension of anti-discriminatory laws in American culture. While creation of anti-discriminatory law was used as a solution to resolve racist government rhetoric in legislation, but it allowed for racism to continue to occur through the implicit bias of officers' enforcement of laws.[88] Critical race theorist Kimberlé Crenshaw's observation of color-blind ideologies and identity politics shows how "ignoring differences within groups contributes to tension among groups, another problem of identity politics that bears on efforts to politicize violence."[89] Overlooking the struggles seen in a marginalized group can result in conflicts emerging within a group, undermining the group's ability to organize successfully to combat social inequalities. Evoking and establishing these laws can lead to the inadvertent suppression of minorities because the sweeping generalities of laws allow for enforcement to be determined based on officers' prejudices, as seen in the implementation of the *Terry v. Ohio* (1968) ruling.

In 1968, Cleveland detective Martin McFadden stopped three men, John W. Terry, Richard Chilton, and Carl Katz, on a street corner for acting suspiciously. The three men walked an identical route twenty-four times, always stopping to observe a store front; McFadden believed that these men were casing the store. Confronting the men, McFadden identified himself as an officer and patted down the men. During the pat down, McFadden found a revolver in both Terry and Chilton's overcoats; the three men were taken to the police station and Terry and Chilton were charged with carrying concealed weapons. Terry and Chilton's defense moved

[88] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, *Stanford Law Review* 43 (1991): 1242.
[89] Ibid, 1242.

to suppress the weapons as evidence in the trial, as the defense claimed that the weapons were found through an illegal search.[90] The court denied the defense's motion and allowed the weapons to be used as evidence. The court claimed that because Terry and Chilton were acting suspiciously, the officer's interrogation was warranted, and the officer, for his safety, had the right to pat down the suspects. The ruling in *Terry v. Ohio* (1968), distinguished the difference between an investigatory "stop" and an arrest and a "frisk" of outer clothing for potential weapons and a full search for evidence in a crime.[91] Terry and Chilton were found guilty of carrying concealed weapons and Ohio's State Supreme Court dismissed their appeal stating that "no substantial constitutional question" was implicated.

The verdict in *Terry v. Ohio* has enabled racial stratification and racial profiling in America through the enforcement of stop and frisk procedures and probable cause. As a result of *Terry v. Ohio*, police are able to skirt American citizens' Fourth Amendment rights, only needing reasonable cause to stop and search any person without a warrant. Alexander quickly points out that due to *Terry v. Ohio*, "police are allowed to rely on race as a factor in selecting whom to stop and search . . . guaranteeing that those who are swept into the system are primarily black and brown."[92] Rulings like *Terry v. Ohio* suppress and violate citizens' rights under the guise of legal concern and law and order politics. Stopping and frisking a person under 'reasonable cause' is a type of suppressive act that targets specific populations. Legislations does not resolve the racial divisions throughout the nation, but rather creates temporary fixes that are able to be manipulated to implement legalized racist government actions.

[90] *Terry v. Ohio* 392 U.S. 1 (1968).
[91] Ibid.
[92] Alexander, 185.

The study of race must be intersectional, taking into account gender, sexuality, class, and citizenship, otherwise the study of a race results in the homogenization of a group.[93] The BLM movement acknowledges and highlights the suppression of black lives while also highlighting the intersectionality that develops between gender and race. Suppressive state action is seen through the disproportionate impact state violence and hyper criminalization and sexualization has had upon blacks in America.[94] The organization of the BLM movement has enabled blacks who have been previously marginalized, transgendered, queer, women, and disabled to have a voice in the black liberation movement through highlighting the intersectional dimensions when studying race.[95] The BLM is thus the result of the social mobilization of activism that raises awareness of racial stratification throughout America and hopes to highlight not only the intersectional issues between race and gender, but also the intersections of race and incarceration.

[93] Lipstz, 9.
[94] Garza, "A Herstory of the #BlackLivesMatter Movement."
[95] Ibid.

CHAPTER TWO

Mass Incarceration:
The Fourth Peculiar Institution

> "The carceral state has been radically remaking conceptions of citizenship as it creates a large and permanent group of political, economic, and social outcasts." -Marie Gottschalk, *Caught*[96]

The Legalized System of Oppression

In order to analyze the importance of incarceration in the Luke Cage series, a study of the history of African American racial targeting is imperative; it is necessary to understand the connection between the historic subjugation of blacks, confinement, and racial profiling. Between the 1950s and the 1970s, the black population in the carceral system rose from constituting thirty percent of the prison population to forty percent.[97] In the 1970s, census records showed that African Americans made up eleven percent of the American population, and of that eleven percent, twenty-six percent had recorded arrests.[98] From 1970 to 1980, the population of prisoners in the United States doubled in size. A majority of prisoners were African American men; the ratio of African Americans to whites in prison was 7.5 to 1.[99] As populations within the carceral system rose, the standards of living began to deteriorate within the prisons, which led to a call for prison reform.

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[96] Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (Princeton: Princeton University Press, 2015), 2.
[97] Wacquant, 47.
[98] Larry E. Sullivan, *The Prison Reform Movement: Forlorn Hope* (Boston: Twayne Publishers, 1990), 88. Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford: Stanford University Press, 1994), 65.
[99] Norval Morris, "The Contemporary Prison 1965-Present" in *The Oxford History of the Prison: The Practice of Punishment in Western Society,* eds. Norval Morris and David J. Rothman (New York: Oxford University Press, 1995), 236, 240.

The congregation of African Americans in America's "Black Belt" during the early 1900s resulted in overcrowded, underserved inner cities, which were often associated with crime and disease; this continued into the late twentieth century.[100] As inner cities became overcrowded, an increase in crime also took place. This relationship has been explained as noted earlier—a concept defined by cultural theorist Stuart Hall known as moral panic. Toward the end of the 1970s, law enforcement officers began to patrol inner cities heavily due to the rise of moral panic, which often associated blackness with crime. With the deindustrialization of the inner city and the threat of high criminal activity in urban areas, moral panic seeped into mainstream American society and culture, leading to the over reporting of potential illegal activities and the skewing of FBI reports to show increases in crime. As inner cities became seen as areas that harbored illicit behavior, they became subject to more control and stricter law enforcement. The harsh policing of inner cities had begun in the 1960s, when urbanized areas in America were undergoing social duress with the growth of black social and political militancy and the threat of crisis and collapse in the cities.[101] In 1967, the United States Justice Department conducted an investigation to look into the increasing rate of crime. The 1967 Justice Department found that "crime flourishes where the conditions of life are the worst and the foundation of a national strategy against crime had to be an unremitting national effort for social justice."[102] The correlation between geographical location, class standing, and race began to develop and the criminalization of the inner city became a socially and racially constructed phenomenon seen through over-policing based on moral panic and societal fears.

[100] Wacquant, 47.
[101] Hall et al., 19-20.
[102] Congressional Quarterly*, Crime Report*, in CQ Almanac 1967, 23rd ed., 08-873-08-874. Washington, D.C., 1968 http://library.cqpress.com/cqalmanac/cqual67-1313058. Accessed 21 December 2016.

When looking at the development of criminal behavior, researchers have studied the correlation between the labeling of deviance and geographic location. The criminalization of space, which is defined as a socially and racially constructed association of class and race with crime, is seen through the over policing of specific geographic locations due to societal fears of certain racial demographics.[103] Historian Heather Ann Thompson argues that the criminalization of space contributed to an increase in prison populations and also directly affected the families of convicted felons.[104] The criminalization of space stemmed from the deplorable environment of urban areas in the 1960s. A 1967 Justice Department report acknowledged the impact poverty and discrimination had upon crime, stating that "reducing poverty, discrimination, ignorance, disease, and urban blight . . . is one great step toward reducing crime."[105] Building off research conducted in the 1960s, Thompson focuses part of her argument on the criminalization of urban areas, specifically inner cities and inner city schools, mainly pertaining to African Americans in New York, and provides insight into the practices of the American judiciary system during the 1970s and the criminalization of minorities through the stigmatization of urban areas.

The high incarceration rates in the inner cities resulted in many of the urbanites spending a majority of their time incarcerated, unable to contribute to their families and their communities, perpetuating a cycle of poverty and crime.[106] Even if a formerly incarcerated person wants to provide for his or her family and contribute to the revitalization of the inner city, the person, first and foremost, will always be perceived as a felon. Unable to find employment, the felon will be denied economic stability. Thompson observed that employers are fifty-nine percent less likely

[103] Ghandnoosh and Lewis, 38. National Law Center on Homelessness and Poverty, *Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities* (Washington, D.C.: 2011), 39.
[104] Thompson, "Why Mass Incarceration Matters," 713.
[105] Congressional Quarterly, *Crime Report*.
[106] Thompson, "Why Mass Incarceration Matters," 713.

to hire the former convict, resulting in a twenty-eight percent reduction of a family's income.[107] Thompson further solidified her argument through her use of Columbia University's study of incarceration, "Architecture and Justice" (2006), which shows the correlation between poverty and incarceration concentrated in urbanized areas during the 1970s.[108] Columbia University's study analyzes and demonstrates how cities thrive on networks formed between communities and government stimulate the economic and social vitality of the city.[109] Thompson attributes the increase of incarceration to the inability of inner-city residents to provide economically for their families and community due to barriers established through America's system of law enforcement, which results in a cycle that perpetuates crime.

However, while Thompson's study demonstrates how race and space are interconnected, her analysis of the criminalization of space does not take into account the inconsistencies in data collection and the reporting of offenders' ethnicities, resulting from the officers' identifying the ethnicity of the offender. Because different areas collated and collected data through various standards, the over-reporting of crime and the enforcement of stricter "tough on crime" policies constructed arbitrary categories that fomented racial discrimination and racial profiling.[110] Since there was no systemized method of recording criminals' ethnicities between the 1960s and 1970s, documenting ethnicity became reliant on how the arresting officer chose to determine the offender's ethnicity, rather than having the offender self-identify himself or herself.[111] Reports

[107] Ibid, 714.
[108] Columbia University Graduate School of Architecture, Planning and Preservation, "Architecture and Justice," *Spatial Information Design Lab,* September 2006, Accessed 27 March 2016. http://www.spatialinformationdesignlaborg/MEDIA/PDF_04.pdf, 9. Thompson, "Why Mass Incarceration Matters," 713
[109] Columbia University Graduate School of Architecture, Planning and Preservation, 2.
[110] Hall et al., 9-10.
[111] Ibid, 10.

and statistics were then representative of racial biases that were rooted in social discrimination and white Americans' attempts to legally control marginalized groups of people.

Statistical reports of increases in crime were derived from theories that were based upon government crime reports. "Law and order" politics[112] were originally established to repress crime; but, these policies only condoned images of inner cities as racially charged and dangerous areas of social duress.[113] The statistical reports of the Bureau of Justice Statistics and the Inter-University Consortium for Political and Social Research (ICPSR), a national government funded study through the University of Michigan, reveal how America's prison demographics support Stuart Hall's theory that crime is socially and racially constructed and expresses Hall's concerns over individuals' ability to separate the race of the offender from the crime. In a 1981 report for the state of Hawai`i, crime analyst Gene Kassebaum notes that crime "rates reflect both racism and criminogenic ethnic correlations," supporting Hall's argument that personal biases in law enforcement result in the nation-wide racialized targeting of among minority groups.[114] The statistics presented throughout this thesis suggest that the racial biases are rooted in social discrimination, and that the American government has attempted to use law enforcement as a means to control marginalized groups of people throughout America, leading to the creation of the prison industrial complex.

[112] Law and order politics resulted in the implementation of stricter criminal justice policies that creates moral panic and public concern over crime and drugs. Law and order politics is seen through harsher penalties for convicted offenders of these crimes. Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997), 23.
[113] Wacquant, 49.
[114] Gene Kassebaum, "Crime and Justice Related to Hawaiians and Part Hawaiians," Native Hawaiian Resource Center, Alu Like, Inc., 1981, 32.

1970s: The Civil Rights Movement's New Fight for Social Justice

In an interview surrounding his beliefs on the role of the prison, French philosopher Michel Foucault stated that he believed that the prison is an imagined project that would ideally aid in the transformation of people.[115] Beginning in the eighteenth century, the creation of penology science, a method to eradicate deviant behavior in society, emerged.[116] During the nineteenth century, penology science expanded as Progressives sought ways to establish reform methods that focused on the humane treatment of inmates, leading to the implementation of rehabilitation programs in prisons to help convicts re-assimilate to life outside prison.[117] However, the nineteenth century also marked the abolition of slavery, and southern plantation owners lost their source of labor. The loss of slave labor in the South resulted in a rise in black male incarceration due to the increasing use of convict labor and chain gangs to work for southern industries and plantation owners. The convict leasing system developed as a way for companies to "assume charge of the convicts, work them as cheap labor, and pay the states a handsome revenue for their labor."[118] Prisoners became new forms of cheap labor for businesses and the privatization of penal institutions began to develop as a way to outsource convict labor to companies. The use of cheap convict labor continued into the twentieth century and, as privatized prisons became more popular and new social issues surrounding the prison emerged, the American prison system became the fourth peculiar institution in America.[119]

According to historian and African American studies scholar, Manning Marable, the term, "Second Reconstruction" references the development of new government legislations, such

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[115] J. J. Brochier, "Prison Talk" in *Power/Knowledge Selected Interviews and Other Writings 1972-1977 by Michel Foucault*, ed. Colin Gordon (New York: Pantheon Books, 1980), 39.
[116] Sullivan, 2.
[117] Ibid, 21-2.
[118] Wells et. al., 23.
[119] Wacquant, 50.

as the Civil Rights Act of 1964 and Voting Rights Act of 1965, to improve black lives between 1945 through 1985 in attempts to omit Jim Crow laws from society.[120] The Second Reconstruction increased social activism for civil, voting, and criminal rights and resulted in a decrease in employment opportunities, bargaining power, and economic security for African Africans as seen in the increasing rates of racial targeting and black mass incarceration.[121] In the 1960s, mass incarceration became a response to Civil Rights mobilizations, similar to how Jim Crow had emerged as a response to Reconstruction.[122] As mass incarceration accelerated in America, the public became aware of the overcrowding and deplorable conditions in the American penal system. Foucault's philosophical ideologies resonated with the prison's role in society during the 1970s. During the 1970s, prison reform movements focused on highlighting the plight of prisoners and protecting prisoners' rights.

Prior to the increasing social awareness of the prison reform movement of the 1970s, in 1968, the Supreme Court case *Terry v. Ohio* was finalized. *Terry v. Ohio* enabled law enforcement officials to stop and detain people and conduct warrantless searches. The only requirement police officials needed to proceed with a warrantless search was probable cause and suspects' consent for the officer to stop and search their property. [123] While those accused were able to refuse any officer's request, many people did not realize their right to refuse a search; additionally, some police officers used their position of power to convince the suspect to allow

[120] Marable draws analysis from the first Reconstruction, which occurred after the abolition of slavery. Although African Americans were given legal equality during the first Reconstruction, they were still discriminated against through the Jim Crow Laws, grandfather clauses, and segregation. Similarly, during the Second Reconstruction, African Americans were still discriminated against, this time through segregation and unequal incarceration rates. Manning Marable, *Race, Reform, and Rebellion: The Second Reconstruction in Black America, 1945-1982* (Jackson: University Press, 1984).
[121] Thompson, "Why Mass Incarceration Matters," 703.
[122] Alexander, 58.
[123] *Terry v. Ohio,* 392 U.S. 1 (1968).

the search.[124] The potential problems with the *Terry v. Ohio* ruling were seen in cultural theorist Stuart Hall's argument about whether the police were able to separate the individual from the committed crime, arguing that officers may carry social, personal, and racial prejudices into arrests that would support the racial hierarchy established within American society.[125] Law enforcement reports conveyed crime rates of localized areas that were reflective of racist and criminal suspicions of specific demographic groups that were based on the police's racial profiling of offenders.[126] *Terry v. Ohio* is a hallmark case that represents white America striving to maintain a social and racial classification system in American society through the fourth peculiar institution and it paved the way for New York Governor Nelson Rockefeller's stringent drug laws.

In the 1970s, America's incarceration rates for African Americans dramatically increased partially due to new government-implemented policies concerning toughness on crime and drugs. In 1973, Nelson Rockefeller was governor of New York. During his term he implemented "tough on crime" policies that specifically targeted narcotics. Rockefeller's drug policies established harsh sentences that made it easier to imprison drug offenders.[127] Between the 1970s and 1980s, drug-related incarcerations increased from 26.9 percent to 46.0 percent of prisons' populations in New York.[128] The United States War on Drugs was nationally implemented in 1982; since 1982, drug-related incarcerations had risen from 41,000 arrests to more than 500,000

[124] Alexander, 63-64.
[125] Social prejudices are the attitudes that society, as a whole, hold toward certain racial classes. Hall et al. argues that policemen, as individuals, may carry these social prejudices into their careers and arrests. Hall et al., 44.
[126] Kassebaum, 32.
[127] Thompson, "Why Mass Incarceration Matters," 707.
[128] Ibid, 708-9.

arrests by 2007.[129] Not only did these policies increase prison populations, but the policies also made it look as though policing was successfully preventing crime, and the implementation of new drug policies became dependent on state agencies to enforce the laws.

New York's 1970s drug policies were created to serve two functions: to show the nation's conservative politicians that Rockefeller was tough on crime and to target communities that housed marginalized populations.[130] Because of the newly government-issued policies, total incarceration rates for the nation in the 1970s increased by 500 percent, and 2.2 million people were incarcerated; of the 2.2 million people in prison, 900,000 were African Americans.[131] Between 1921 and 1981, the average growth rate in numbers of prisoners was 2.4 percent; however, between 1974 and 1981, incarceration grew at a 7.4 percent rate.[132] In 2001, the Bureau of Justice reported that one out of every six African American males had been incarcerated, and the Bureau of Justice predicted that if this trend continued, then eventually one in every three African American men would face imprisonment at some time in his life.[133] The continual increases in black male incarceration throughout the decades demonstrated a perpetuation of punitive measures that enforced racialized targeting of African Americans. Throughout the nation African Americans were arrested in higher numbers for drug and misdemeanor crimes than white Americans. According to historian Dan Berger, the prison from the 1960s to 1970s "functioned as both a metaphor for race and an example of racial

[129] The Sentencing Project, *Report of The Sentencing Project to the United Nations Human Rights Committee: Regarding Racial Disparities in the United States Criminal Justice System* (Washington, D.C.: The Sentencing Project Research and Advocacy for Reform, August 2013), 14.
[130] The Sentencing Project, 14-15.
[131] United States Department of Justice, Bureau of Justice Statistics Bulletin, "Prisons 1925-1981," Bureau of Justice Statistics, NCJ-85861 (Washington, D.C.: December 1982): 1.
[132] Ibid, 1.
[133] Marc Mauer and Ryan S. King, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity* (Washington, D.C.: The Sentencing Project, July 2007), 1.

management."[134] The prison represented an analogy for racial subjection being debated as a source of internalized colonialism, where the state still had the power to contain and control racial minorities.

With the increase in African American incarcerations in the 1970s, social reform activists and political groups began to advocate a change in treatment for those who were incarcerated. Beginning in the late 1960s, awareness of the deplorable conditions in the American prison system had begun to surface. Militant political groups like the Black Panther Party (BPP) and the Black Guerrilla Family (BGF) emerged and became more visible in American society. While the BPP and BGF were not established solely to combat the inhumane treatment and deplorable conditions within the American penal system, these groups and their leaders did aid in the development of the 1970s prison reform movement. Black Panther Party leader Huey P. Newton strongly advocated that revolutionary activists should commit their lives to their constituents, serve their people, and be ready to defend themselves, but not necessarily through the use of guns and violence.[135] However, like Malcolm X's rhetoric, the rhetoric of these newly popularized, prominent militant civil rights activists were perceived as a threat to the established American society, and the American government feared potential uprisings. In April 1971, the Counter Intelligence Programs (COINTELPRO) division of the Federal Bureau of Investigation attempted to exploit ways to increase dissent within the BPP in hopes of internally breaking up the organization.[136] The threat of militant black power groups became a source of concern for Americans, as African Americans fought against centuries of institutionalized racism in America through rhetoric that potentially called for violent revolution. The prison was a method to control

[134] Berger, 52.
[135] Elaine Brown, "Forward," in *To Die for the People: The Writings of Huey P. Newton*, ed. Toni Morrison (San Francisco: City Lights Books, 2009), xiii-xiv.
[136] Churchill and Wall, 42.

unruly populations during a time when racial equality was at the forefront of the nation's consciousness.[137]

The ideas of Huey P. Newton's BPP revolutionized how people perceived changing social injustice and established a shifting paradigm of humane treatment of African Americans, not only in society, but also in the carceral system.[138] The development of the Black Panther Party and the rhetoric of Newton were indicative of the influential forces in the civil rights movement. The BPP's concern for political prisoners fostered the inception of critical prison studies, which focused on prisoners and activists' concerns, like those of activist and historian Angela Y. Davis, regarding the apparatus of the prison and how it related to race, racism, and repression.[139] Davis claims Martin Luther King, Jr.'s popularity stemmed from his advocacy for civil disobedience, which was seen as nonthreatening to American democracy; conversely, the ideas of men like Stokely Carmichael, Malcolm X, and Huey P. Newton, as well as groups like the BPP and BGF, threatened American democracy. Yet, it was the radicalism of these black militant parties that aided in highlighting the imperative need for critical prison studies as a focal point for the new chapter of the Civil Rights movement.

The evolution of the 1960s Civil Rights movement into the 1970s showed ongoing resistance to the deeply ingrained racism in American society. The stricter enactment of new drug polices during the 1970s resulted in the racially skewed mass imprisonment of African Americans in America, and codified messages were sent to the American public that associated

[137] Berger, 53.
[138] Brown, xiii.
[139] Angela Y. Davis, "*Captive Genders: Trans Embodiment and Prison Industrial Complex*," (seminar discussion, American Studies 638: American Punishment, Guest lecturer at the University of Hawai` i at Mānoa, Honolulu, Hawai`i, 7 April 2016.)

African Americans with crime. [140] The higher rates of arrest in the inner cities were the result of an increase in moral panic, over policing, and over reporting of crime in marginalized areas.[141] The establishment of critical prison studies and prison reform in the 1970s enabled a later movement to develop in 2012.[142] Black radicalization became a vehicle to highlight the unjust, racially charged incarceration of blacks as a determining factor in America's criminal justice system, enabling the prison industrial complex to control America's economy.

The Prison Industrial Complex: The Lasting Effects of the Prison System

Due to the disproportionate incarceration of African American men in the penal system, the formation of a new field of study was established that focused on the prison industrial complex. In Angela Y. Davis' *Are Prisons Obsolete?* (2003), Davis focuses on the expansive nature of the prison, explaining that given "the extent to which prison building and operation began to attract vast amounts of capital—from the construction industry to food and healthcare provision—in a way that recalled the emergence of the military industrial complex, we began to refer to a 'prison industrial complex.'"[143] The term "prison industrial complex" is thus derived from the term "military industrial complex," which refers in part to the benefits that accrue from the militarization of communities: economic, food, health care, and capital increases.[144] Like the establishment of a new military base, the presence of a prison enables the economic livelihood of its surrounding area to flourish. Prisons, which are commonly located in rural, desolate areas, bring access to jobs, education, and health care to the local area where the institution is

[140] Wacquant, 56-7.
[141] Hall et al., 19-20.
[142] Angela Y. Davis, "*Freedom is a Constant Struggle*," 23.
[143] Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 12.
[144] Davis, *Freedom is a Constant Struggle,"* 23.

located.[145] As with the military industrial complex, the prison industrial complex stimulates the communities' economy, becoming the lifeline for rural areas. Prisons transform previously poor areas and revitalize the socio-economic stability of communities, making prisons profitable.

The privatization of the prison demonstrates how incarceration is both a public and private affair—a relationship between the state and private institutions. Politicians favored privatized prisons because they were able to circumvent increasing state taxes, which would help their appeal to the public during their campaigns and increase the profit of businesses through convict leasing.[146] In 1893, Ida B. Wells argued that support for prisons was based upon the economic aid prisons brought to the state; prison supporters argued that convict leasing helped bring revenue into the state and relieved the high costs of building penitentiaries. [147] Wells also indicated that many of these supporters were white men who held prejudices against blacks and saw blacks as threats to the "religious, moral, and philanthropic forces of the country."[148] In the twenty-first century, America's penal institution is highly dependent on the role of the Corrections Corporation of America (CCA),[149] and the CCA endorses a system of convict leasing, demonstrating how America's economy still survives on involuntary labor. During Reconstruction, the Thirteenth Amendment was ratified in 1865, stating that "neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly

[145] Davis, *Are Prisons Obsolete?,* 14, 16.
[146] Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Picador, 2010), 320-321.
[147] Wells, 23, 27.
[148] Ibid, 23, 27.
[149] As of 28 October 2016, the CCA has rebranded itself as CoreCivic, which provides three business offerings, corrections and detention management, cost-saving government real estate solutions, and residential reentry centers for ex-convicts. For the purposes of this thesis and continuity in referencing the corporation, CoreCivic will be referred to as the Corrections Corporations of America (CCA). Bethany Davis, "Corrections Corporation of America Rebrands as CoreCivic," *InsideCCA,* 28 October 2016, accessed 29 March 2017. http://www.cca.com/insidecca/corrections-corporation-of-America-rebrands-as-corecivic.

convicted, shall exist within the United States, or any place subject to their jurisdiction."[150] As convict leasing and the privatization of prisons grew in American society, the Thirteenth Amendment perversely aided in legalizing the convict leasing system, which emerged as what historian Michael Hallett claims to be "a uniquely Southern solution to the postbellum labor shortage and facilitated a continuation of the ideology of white supremacy."[151] Convict leasing allowed prisons to loan businesses, or in postbellum southern society, plantation owners, prisoners at lower rates, which then permitted businesses to earn a higher profit margin because businesses could pay prisoners below the national standard of minimum wage compensation.

As America has depended on the labor of prisoners and a perpetuated legal convict leasing system, it has become what sociologist Loïc Wacquant considers a genuine slave society, a society in which enslaved labor is the epicenter for economic production and class structure in the nation.[152] The wording of laws implemented during the Jim Crow era enabled a cycle of mass black incarceration and disenfranchisement to continue in American society.[153] While America attempted to abolish both slavery and involuntary servitude, the loopholes established in the Thirteenth Amendment promoted involuntary servitude, convict leasing, and the stimulation of big businesses in American society, all based on racialized policing and incarceration.

The race to incarcerate in America began in the 1970s. Political scientist Marie Gottschalk claims that "the 'race to incarcerate' began in the 1970s at a time when states faced dire financial straits. It persisted over the next four decades despite wide fluctuations in crime

[150] Constitution of the United States of America, Amendment XIII.
[151] Michael Hallett, "Commerce with Criminals: The New Colonialism in Criminal Justice," *Review of Policy Research* 21 (2004): 51.
[152] Wacquant, 60.
[153] Alexander, 193.

rate, public opinion, and the economy."[154] Crime aided in revitalizing the nation's economy as prisons supported prison guards' labor unions, law enforcement groups, and other employees associated with the prison system.[155] The prison industrial complex evolved from the 1970s, as the backlash against the civil rights movement fueled an increase in crime and arrest statistics for the decade. In Nazgol Ghandnoosh and Christopher Lewis' "Race and Punishment" (2014) report for The Sentencing Project, Ghandnoosh and Lewis claim corroborating evidence that indicates "the increase in support for punitive policies occurred at the same time as the public turned away from the New Deal and Great Society solutions to poverty. . . . Conservative politicians implemented a strategy that connected these issues along with the civil rights movement, to the coddling of criminals and need for punitive solutions to crime."[156] Blaming the civil rights movement became a convenient way for politicians to stigmatize social activism and propel the prison industrial complex.

Black men constituting a majority of prison populations is a direct result of the War on Drugs. The War on Drugs allowed prison populations to increase, and this directly benefited private prisons. The profitability for both private prisons and partnered corporations grew, stimulating both local and national economies. Federal spending on drug enforcement increased from $65 million to $719 million during Richard Nixon's presidency; and between 1985 and 1995, the nonviolent rate of incarceration increased by 478 percent.[157] Between 1999 and 2005, the Sentencing Project reported that "African Americans constituted roughly thirteen percent of drug users on average; but, thirty-six percent of those arrested were for drug offenses and forty-six percent of those convicted were for drug offenses. The War on Drugs creates racial disparity

[154] Gottschalk, 7.
[155] Ibid, 14.
[156] Ghandnoosh and Lewis, 8.
[157] Perkinson, 21, 299.

at every phase of the criminal justice process."[158] Many drug sweeps were conducted in poor communities that consisted of racial minorities. Moral panic helped police conduct raids, as police received cash rewards for finding those who broke drug laws.[159] With the ruling in *Terry v. Ohio*, police only needed reasonable cause to stop and search any person without a warrant. Michelle Alexander points out that due to *Terry v. Ohio*, "police are allowed to rely on race as a factor in selecting whom to stop and search . . . guaranteeing that those who are swept into the system are primarily black and brown."[160] Alexander's observation supports Stuart Hall's concerns about whether police are able to separate their personal biases of race and class during stop and search procedures.[161] These laws did not directly discriminate against African Americans; however, the enforcement of the laws was discriminatory as the laws were most commonly policed in areas where racial minorities live.[162] Like the War on Drugs, which did not directly target blacks but enabled discriminatory enforcement of laws, the heavy policing of drugs was commonly conducted in lower income areas consisting of racial minorities. Most of the arrests, specifically applied to African American men, were for nonviolent infractions and drug-related charges.

Angela Davis argues that "the primary province of government, is now also performed by private corporations, whose links to government in the field of what is euphemistically called 'corrections' resonates dangerously with the military industrial complex," associating the prison industrial complex with the military industrial complex.[163] The success of the prison industrial

[158] The Sentencing Project, *Report of The Sentencing Project to the United Nations Human Rights Committee*, 14-15.
[159] Alexander, 185.
[160] Ibid, 185.
[161] Hall et al., 44.
[162] Ibid, 201.
[163] Angela Y. Davis, "Masked Racism: Reflections on the Prison Industrial Complex," in *Race, Class and Gender in the United States*, ed. Paula S. Rothenberg, (New York: Worth Publishers, 2007), 684.

complex is based upon a symbiotic relationship with the military industrial complex, as the two systems relied on one another to grow and support their respective industries.[164] The prison industrial complex is able to thrive due to the privatization of the prison. In privately owned prisons, prison owners are able to make decisions without directly consulting the government. During her career as an anti-prison activist, Davis has witnessed the impact of privatized prisons and has become a voice against the wide-spread implementation of the prison industrial complex and the extent of the power of the CCA in American society. In *Are Prisons Obsolete?* (2003), Davis claims that the symbiosis between the prison and the military is dependent on technological and social perceptions of race in America:

> An analysis of the relationship between the military and prison industrial complex is not only concerned with the transference of technologies from the military to the law enforcement industry. . . . Both systems generate huge profits from processes of social destruction. Precisely that which is advantageous to those corporations, elected officials, and government agents who have obvious stakes in the expansion of these systems begets grief and devastation for poor and racially dominated communities. . . . The transformation of imprisoned bodies . . . into sources of profit who consume and also often produce all kinds of commodities devours public funds.[165]

The privatization of prisons, specifically through the Corrections Corporation of America, enables the military, government, and businesses to profit off of the socially and racially implemented politics that govern areas of urban blight. Given the development of the CCA, it is now one of the largest privatized prison corporations in the world, and it has established relationships across both political parties and has partnered with Sodexho Alliance, a food service company that often caters to schools and colleges, solidifying further claims of the prison

[164] Davis, *Are Prisons Obsolete?*, 86.
[165] Ibid, 88.

industrial complex infiltrating the daily life of American citizens.[166] According to historian Robert Perkinson, "Combining law enforcement, courts, and prisons, the United States criminal justice system consumes $212 billion a year and employs 2.4 million people."[167] The data Perkinson provided demonstrates how the prison industrial complex has perpetuated the privatization of prisons and allowed connections between the military and the prison to stimulate America's economy.

Maria Gottschalk's *Caught: The Prison State and the Lockdown of American Politics* (2015) analyzes the social and economic consequences of the carceral system, the political enforcement of racialized policing, and the tenacity of America's obsession with incarceration rather than reformation. Gottschalk claims that

> The United States penal system has grown so extensive that it has begun to metastasize. It has altered how key governing institutions and public services and benefits operate. The carceral state also has begun to distort essential demographic, political, and socioeconomic databases, leading to misleading findings about trends in vital areas such as economic growth, political participation, unemployment, poverty, and public health. The carceral state has been radically remaking conceptions of citizenship as it creates a large and permanent group of political, economic, and social outcasts.[168]

The penal system, which was originally established as a method of reform, took on a life of its own, enabling the suppression of minority groups in order to reshape and reorganize the American population. The prison industrial complex demonstrates how the penal system alienates populations in America and allows the government to militarize prisons in order socially to control specific sectors of American society through the guise that imprisonment

[166] Eric Schlosser, "The Prison-Industrial Complex," *The Atlantic*, December 1998, accessed 21 December 2016, http://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/304669/.
[167] Perkinson, 2.
[168] Gottschalk, 2.

enables public safety.[169] Gottschalk's argument is representative of the BLM movement's goals, which aim to highlight the systemic methods of control that oppress black lives. Arguments against the prison embrace the guiding principles of the BLM movement, which acknowledges diversity, globalism, transgender and queer affirmation, restorative justice, collective value, women, and intergenerational movements. Like the activists raising awareness of the prison industrial complex, the BLM movement expands the analysis of oppression to encompass more than only black lives, but also other minority groups that American politics targets.

Black Radicalization and the Prison in the 2010s

Since the 2012 development of the Black Lives Matter movement, police brutality and racialized targeting have been propelled into the public eye. The use of prisons as forms of rehabilitation was cast out in the 1970s when, according to Maria Gottschalk, "more prisoners were depicted as brutal, hardened criminals

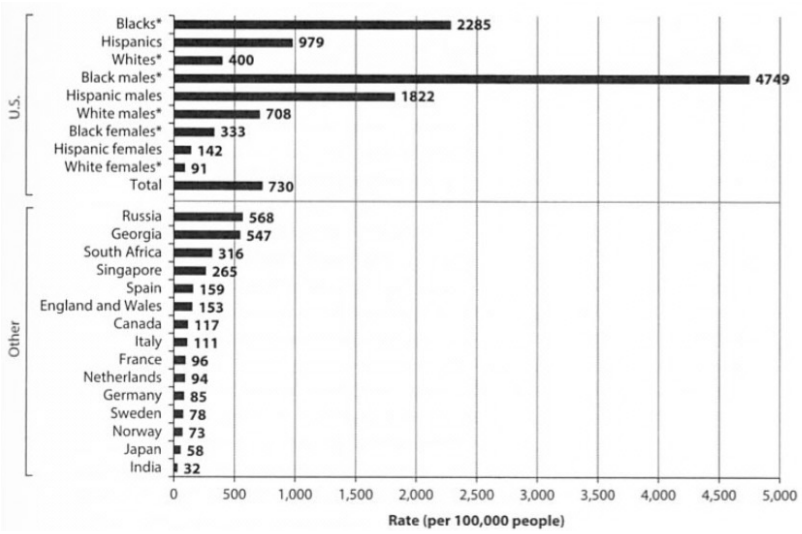

Figure 1: America's Incarceration Rate Compared to Global Numbers

Source: Graph retrieved from Gottschalk's *Caught*. Statistical information based upon Roy Walmsley's work in "World Prison Population List," 2011. Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (Princeton: Princeton University Press, 2015), 5. Roy Walmsley, "World Prison Population List," 9th ed., International Centre for Prison Studies, May 2011, accessed 21 December 2016.

[169] Ibid, 687.

who were neither deserving nor capable of rehabilitation and redemption."[170] Rather than finding alternatives to prisons, prisons became convenient places for containment that would prevent the spread of illicit activity and ideas throughout American society. Prisons as a form of containment then began to hold a new meaning as they became apparatuses that enabled race, radicalism, and poverty to be forms of criminality under the guise of protecting America.[171] In Figure 1, Roy Walmsley's 2011 data breaks down and compares America's incarceration demographics to other countries. When compared to other countries' penal institutions, America's numbers indicate the dire need to rethink the necessity of American carceral systems and to determine who the direct beneficiaries of these systems are—the prisoners or the country and its elites.

In 2013, the Sentencing Project presented a report to the United Nations (UN) that described how the United States criminal justice system has violated Articles 2 and 26 of the International Covenant Civil and Political Rights (ICCPR) to the UN Human Rights Committee Articles, proving that the issue of race-based incarceration was applicable to the entire nation. The Sentencing Project recommended that the United States enact the End Racial Profiling Act of 2013, which would

> prohibit racial profiling, mandate training on racial profiling for federal law enforcement officials, and require that federal officials collect data on the racial impact of all routine or spontaneous investigatory activities. The act would also make federal funds to state and local law enforcement agencies contingent on their adoption of effective policies that prohibit racial profiling. Finally, the act would authorize the Department of Justice to provide grants for the development of effective, non-discriminatory policing practices and require the attorney general to provide periodic reports to assess the ongoing effects of any practices that have

[170] Gottschalk, 7.
[171] Morgan Bassichis, Alexander Lee, and Dean Spade, "Building an Abolitionist Trans and Queer Movement with Everything We've Got," in *Captive Genders: Trans Embodiment and the Prison Industrial Complex,* eds Eric A. Stanley and Nat Smith (Edinburgh: AK Press, 2015), 42.

been shown to be racially discriminatory.[172]

Using statistical information on America's incarceration rate, the shadow report indicates that the United States has the highest rate of incarceration in the world. The Sentencing Project report references a 2011 Department of Justice Report, "Contacts Between Police and the Public," that found black drivers were three times as likely to be searched during a routine traffic stop than white drivers.[173] The use of probable cause resulted in warrantless searches that were often based on officers' racial biases.

Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010) was published during a time that Davis deemed the "peak of organizing against the prison industrial complex."[174] Shortly after Alexander's *The New Jim Crow* was published, the death of Trayvon Martin sparked the Black Lives Matter movement to spread through America. With mass organization, social media, and news coverage of the movement, BLM brought the inequalities of the criminal justice system to the forefront of Americans' attention. The death of Martin marked just the beginning of the movement. In August 2014, Michael Brown was murdered by Darren Wilson, a white police officer later exonerated in Ferguson, Missouri. According to historian Jennifer C. Nash, "Ferguson" has become the commonplace reference to Brown's death and Wilson's non-indictment; however, she also claims that "Ferguson" embodies more than Brown's death, as it also encompasses the unjust deaths of Eric Garner, Oscar Grant, Trayvon Martin, Freddie Gray, Tamir Rice, and other

[172] The Sentencing Project, *Report of The Sentencing Project to the United Nations Human Rights Committee*, 23-24.
[173] United States Department of Justice, Office of Justice Programs, *Contacts Between Police and Public*, by Christine Eith and Matthew R. Durose, NCJ 234599, Bureau of Justice Statistics, (Washington, D.C., 2011), 1. http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2229.
[174] Davis, *Freedom is a Constant Struggle*, 13.

African Americans.[175] "Ferguson" has become a conventional term that signifies increasing police brutality against African Americans and the normalization of America's prison industrial complex.[176] The BLM movement highlights the ongoing tensions between race and criminal justice and the need for re-evaluating the necessity of incarceration.

After Michael Brown's death, the United States Justice Department launched an investigation to determine whether race was a factor in Wilson's decision to shoot Brown. On 4 March 2015, the Justice Department published its report and findings on the Ferguson Police Department (FPD) from its September 2014 investigation. The investigation was invoked under "the pattern-or-practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime and Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI")."[177] The Department of Justice found that the FPD had violated federal statutory law and the First, Fourth, and Fourteenth Amendments. As the research was conducted, the investigation looked into the FPD's revenue generation, police and municipal court practices, racial bias, and community distrust. Under racial bias, the Department of Justice found that "Ferguson's approach to law enforcement reflects and reinforces racial bias, including stereotyping. The harms of Ferguson's police and court practices are borne disproportionately by African Americans, and there is evidence that this is due in part to intentional discrimination on the basis of race."[178] Statistical reports indicate that from 2012 to 2014, FPD officers targeted African Americans, as African Americans constituted eighty-five percent of vehicle stops, ninety

[175] Jennifer C. Nash, "Teaching About Ferguson: An Introduction," *Feminist Studies, Inc.* 41 (2015): 211-212.
[176] Ibid, 12.
[177] United States Department of Justice Civil Rights Division, *Investigation of the Ferguson Police Department,* United States Department of Justice (Washington, D.C., 4 March 2015), 1.
[178] Ibid, 4.

percent of citations, and ninety-three percent of arrests, all while African Americans comprised only sixty-seven percent of Ferguson's entire population.[179] Additionally, ninety-two percent of all warrants were issued to African Americans and ninety-six percent of all arrests were imposed without a municipal warrant.[180] While the statistics show a heavily biased percentage of racial targeting, reasons for these stops and arrests were constitutional and legal due to *Terry v. Ohio*. As long as FPD officers had probable cause to stop a person of interest, they were able to complete warrantless searches and arrest the suspect. A comparison of the 2011 Department of Justice report to the 2015 Justice Department's report on the Ferguson Police Department (FPD) suggests that there was no action taken to prevent and improve the police's racialized targeting of African Americans in the nation.

Upon reporting the findings from the investigation, the Department of Justice recommended that the FPD be re-trained to recognize, identify, and prevent racial targeting and stereotyping. However, compared to the Sentencing Project's shadow report to the UN Human Rights Committee, the Department of Justice's recommendations for preventing race-based biases were vague and generic. The recommendations included "providing initial and recurring training to all officers that send a clear, consistent and emphatic message that bias-based profiling and other forms of discriminatory policing are prohibited, . . . provide training to supervisors and commanders on detecting and responding to bias-based profiling and other forms of discriminatory policing."[181] While the Department of Justice provided recommendations to aid in combatting race-based biases in the FPD, there were no specific recommendations to implement programs that would help to eliminate, identify, and prevent personal biases from

[179] Ibid, 4.
[180] Ibid, 64.
[181] Ibid, 94.

interfering in policing. Furthermore, despite the recommendations and findings of the Department of Justice, using the 1967 and 2011 Department of Justice reports and the 2013 Sentencing Project shadow report to the UN, it can be discerned that the implementation of these recommendations and findings in the FPD investigation may not be taken seriously, as these issues have not been addressed in previous decades.

With the increasing traction of the BLM movement after Trayvon Martin's death, national attention to police brutality increased. The death of unarmed Michael Brown contributed to the tension between African Americans and police officers in American society. The Department of Justice's report on the FPD indicated that racial biases factored into officers' use of force against suspects. Within the FPD, about ninety percent of all documented force that the FPD utilized was against African Americans, and when the canine unit was involved in a dispute, all people bitten were African Americans.[182] Michael Brown's death was concluded to be the result of racial biases and stereotyping and excessive, unnecessary use of force within the FPD. The findings and events in Ferguson, Missouri, served as representative of what has been developing around the nation in regard to race-based targeting in lower-income areas.

In order to highlight police brutality throughout the nation, the Black Lives Matter movement has taken to social media to expand its platform and outreach. One of the outcomes of the BLM movement was the establishment of the website, Mapping State Violence, which compiled reports from the Department of Justice in order to map out national trends of police brutality. With the corroboration of the Department of Justice reports, Mapping State Violence tracks the number of police-related killings since 2013, and with the accumulated evidence, the

[182] United States Department of Justice Civil Rights Division, 5.

project concludes that there were an average of 1,200-to-1,300 police killings per year.[183] The project also found that the state where someone lives determines the likelihood of racial stereotyping and the death rates for racial minorities. Figure 2 provides a sample of a breakdown of police killings per one-million people by state since January 2013. The graph represents the disproportionate deaths of African Americans when compared to the deaths of all people in police killings. Research into the racialized targeting of police brutality and violence has become a pertinent topic since the death of Trayvon Martin and incident in Ferguson. With the prevalence of social media, the accessibility of means to disseminate information regarding this national trend has become easier and more efficient in generating a movement.

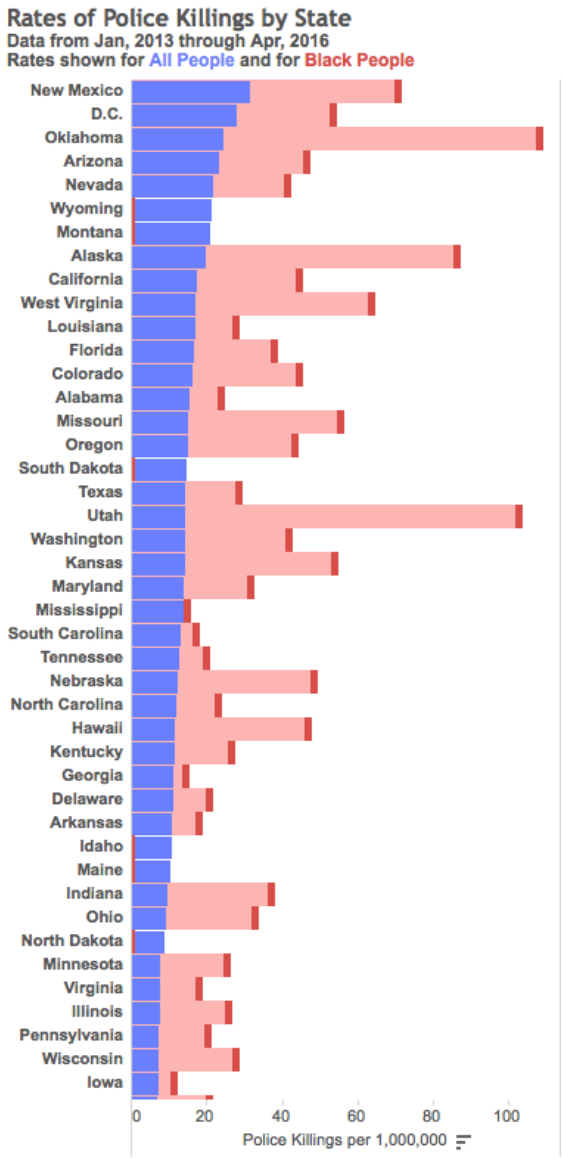

Figure 2: A Sample of State Break Down of Police Violence.

Source: Mapping Police Violence, "State Comparison Tool," last modified April 2016, accessed 26 December 2016. http://mappingpoliceviolence.org/states/.

Using social media as a way to convene and promote its platform, the BLM movement is able to counteract the white-biased media news outlets. The Sentencing Project stated,

[183] Mapping Police Violence, "About the Data," Mapping Police Violence, last modified November 2016, accessed 26 December 2016, http://mappingpoliceviolence.org/aboutthedata/.

"media outlets reinforce the public's racial misconceptions about crime by presenting African Americans and Latinos differently than whites. Television news programs and newspapers over-represent racial minorities as crime suspects and whites as crime victims."[184] The constant portrayal of racial minorities as victimizers in crime-related newscasts furthers racial perceptions of deviant behavior. In 2013, over two-thirds of African Americans viewed the criminal justice system as biased against blacks.[185] As of 2014, blacks and Latinos made up a little more than thirty percent of America's national population; however, they made up more than fifty-eight percent of incarcerated populations.[186] Similar to the analysis of the 1970s prison population data, the skewed numbers of minority inmates have not been resolved; rather, incarceration rates have expanded to include minorities besides African Americans.

Due to the over-representation of racial minorities in the penal system and a nationwide rise in police brutality, a mass movement to raise awareness of this ongoing national trend is gaining traction. The development of the BLM movement represents the prevalence of social activism pertaining to race-based incarceration, and the prominence of social media is indicative of a new generation becoming active and engaging in social conversations pertaining to inhumane treatment on the local and national level. #BlackLivesMatter and the rising awareness of police brutality have permeated American culture to the point of representation in popular culture. Increasing representation of black lives on television touch upon the police's racial profiling and targeting of African Americans. *Marvel's Luke Cage* (2016) is specifically relevant to the topic of racial profiling as the story line follows the narrative of an innocent ex-convict,

[184] Ghandnoosh and Lewis, 3.
[185] Ibid, 4.
[186] Ibid, 4.

Luke Cage, who, like his 1972 predecessor, fights against injustice and becomes the voice for the downtrodden in poor communities.

CHAPTER THREE

The Bulletproof Black Man:
Contextualizing Superhero Luke Cage in the 1970s and 2010s

Creating Luke Cage, the Hero for Hire

Luke Cage was initially created in 1972 in his eponymously named series, *Luke Cage: Hero for Hire* (1972-1973). *Hero for Hire* lasted for a total of sixteen issues before being cancelled. While the original series was annulled due to a lack of sales, Luke Cage's character continued to appear in various different comic-book series and as a featured character in a short revival spinoff series. Most recently, Luke Cage has been revitalized through Netflix's series *Jessica Jones* (2015)[187] and *Marvel's Luke Cage* (2016) series. Cage's character in both *Hero for Hire* and *Marvel's Luke Cage* is indicative of the pressing need to raise awareness over

Figure 3: Cover of *Hero for Hire #1*.

Source: Archie Goodwin, illus. George Tuska, *Luke Cage: Hero for Hire #1* (New York: Marvel Comics, 1972), Cover.

[187] Jessica Jones is a fictional Marvel comic book character. The *Jessica Jones* Netflix series is set after *Marvel's Luke Cage*, and shows Cage as Jones' husband.

the issues of the mass incarceration of blacks, the prison industrial complex, the racial stratification of America, police brutality, and black activism in both the 1970s and 2010s.

The *Hero for Hire* series primarily highlighted racial stratification in American society, which was seen through problems that plague the inner city, and the rise of moral panic. By focusing on the American justice system's targeting of African Americans, *Hero for Hire* highlights on the high levels of policing, the impact of officers' enforcement of legislation, and the mass incarceration of blacks in American penal systems. On the other hand, *Marvel's Luke Cage* provides commentary on the socio-political relations developing within America's black community in the twenty-first century. Similar to *Hero for Hire*, *Marvel's Luke Cage* also draws attention to the racial stratification of American society, mass incarceration, and the impact of the criminal justice system. However, unlike *Hero for Hire, Marvel's Luke Cage* acknowledges and factors in the connection that police brutality and corruption have upon racial stratification. The ideas and concepts seen in both Luke Cage series are illustrated through Cage's super-human strength and bulletproof skin, the depiction of cruel and unusual punishments in prisons, and the setting of Harlem, New York. Both *Hero for Hire* and *Marvel's Luke Cage* provide social commentary on the black radicalism and activism that were developing during their respective eras.

Luke Cage was Marvel Comics' first African-American superhero. *Luke Cage: Hero for Hire* went on to become one of the longest running series featuring a black protagonist in the comic-book industry. Cage's original origin story is set in Harlem, New York, in the early 1970s,

and follows the story of Carl Lucas, commonly known as Luke Cage.[188] Lucas' origin story begins when Willis Stryker, Lucas' former friend and business partner, is beaten in an alley and hospitalized. During his hospitalization, Stryker comes to believe that Lucas has stolen his girlfriend Reva; Reva is a woman with whom both men are infatuated. Jealous, Stryker tips the police that Lucas is holding narcotics in his apartment, when, in reality, Stryker had earlier planted the evidence in Lucas' apartment. Framed on a narcotics charge, Lucas is sent to a maximum security prison called Seagate Prison, or as inmates refer to it, "Little Alcatraz."[189] There is a great deal of corruption at Seagate: guards abuse prisoners and violate solitary-confinement protocol. While Lucas is in prison, Stryker's past catches up with him and Stryker becomes the target for assassination. Stryker's assassins shoot him while he is in a car with Reva; using Reva as a shield, Stryker survives the shooting, but Reva dies. Reva's death fuels Lucas' desire to clear his name and avenge her death.

After hearing of Reva's death, Lucas volunteers for an experimental biochemical procedure that stimulates human cell regeneration under the supervision of Dr. Noah Burstein. In exchange for Lucas' participation in the experiment, Dr. Burstein promises Lucas early parole; however, during the experiment, Rackham, a captain at Seagate Prison, tries to kill Lucas by interfering with the experiment, causing Lucas to receive maximum exposure to the chemical formula. Lucas' biometrics alter, and he emerges from the machine with augmented strength and diamond-hard skin. Using his newly acquired powers, Lucas becomes the first prisoner to escape from Seagate Prison.

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[188] To help discern the time before and after Carl Lucas escapes from prison, names will alternate between Carl Lucas and Luke Cage. Carl Lucas signifies Lucas' life up to the point he assumes the new identity of Luke Cage. Luke Cage is used to signify the time after Cage escapes from the prison. Once Lucas changes his name, a change in characterization takes place. Cage's origin story takes place in *Hero for Hire #1*

[189] Archie Goodwin, illus. George Tuska, *Luke Cage: Hero for Hire #1,* (New York: Marvel Comics Group, 1972), 1. Seagate, or Little Alcatraz, is located on an island off America's southeastern coast.

During Lucas' escape from the prison, guards attempt to stop him by firing their guns at him. However, because of his powers, Lucas is able to survive being shot, and he leaves his bullet-ridden shirt behind. Finding Lucas' shirt, guards assume Lucas is dead. Upon reaching the city, Lucas attempts to figure out how to earn a living. Assuming a new identity as Luke Cage, since Carl Lucas is believed to be dead, Cage becomes a hero for hire. Cage is self-employed, selling his power to provide his services for anyone who would hire him. As a hero for hire, Cage accepts jobs that are both legal and illegal in nature; however, he must always be cautious about the jobs he accepts so he does not gain the attention of law enforcement.

In comparison to *Hero for Hire*, *Marvel's Luke Cage*, which debuted on Netflix in 2016, primarily focuses on police corruption and brutality, racial stratification, and the expansive reach of the prison industrial complex within American society. In *Marvel's Luke Cage*, Carl Lucas was wrongfully incarcerated for possessing heroin, taken to Seagate Prison, and abused by the racist guard Rackham.[190] During Lucas' imprisonment at Seagate Prison, Rackham coerces Lucas into participating in an underground fight club he created by threatening the well-being of fellow inmates and Reva. Lucas eventually becomes a highly skilled fighter; however, despite his successes, Lucas continues to be a victim of Rackham's continued outlandish threats. Rackham eventually has two inmates, Hernan "Shades" Alvarez and another unnamed prisoner, beat Lucas nearly to death. Reva finds Lucas and begs Dr. Noah Burstein to use his medical experiment on Lucas to save him. Reluctantly, Burstein agrees to use the procedure, but during the procedure, Rackham interferes and causes the experiment to go awry. The experiment explodes, killing Rackham. While the experiment kills Rackham, it saves Carl Lucas, giving

[190] The reasons for Cage's incarceration are seen in Netflix's *Jessica Jones* (2015), season 1, episode 4.

Lucas his super powers, allowing Lucas to escape from Seagate prison and return to Harlem, New York and assume the new identity of Luke Cage.

Upon Cage's return to Harlem, Cage works at the local barbershop, which is under the ownership of another African-American ex-convict named Pop, and as a dishwasher at the local nightclub called Harlem's Paradise, which serves as a front for the drug dealing Cornell Stokes, also known as Cottonmouth. At the start of the series, Pop is the only person who knows of Cage's past and willingly hires Cage to work in his barbershop. While in Harlem, Cage attempts to keep his powers of strength and bulletproof skin hidden from the public; however, as corruption and racial stratification within his community become more evident, Cage finds himself consistently in a position to help those who are indebted to Cottonmouth. Many police officers are on Cottonmouth's payroll and prevent an investigation into his business. As of result of police corruption, Cottonmouth controls Harlem's residents and requires a monthly payment from many of the local businesses in return for protection from his gang. Cage sees the development of Cottonmouth's control of businesses. Using his powers, Cage aims to defend those who have been taken advantage of by Cottonmouth. Ultimately, Cottonmouth's cousin, Councilwoman Mariah Dillard, murders Cottonmouth and, with the help of Shades, covers up Cottonmouth's murder and unsuccessfully attempts to pin Cottonmouth's death on Cage.

Although Cottonmouth's was subdued, a new more-menacing villain appears mid-season: Diamondback, also known as Willis Stryker. Diamondback is on a quest to kill Cage, as it is later revealed that Diamondback and Cage are half-brothers. Stryker had harbored resentment against Cage since childhood, as Cage was the legitimate child of Reverend Lucas while Stryker was Reverend Lucas' bastard son. Knowing of Cage's powers, Diamondback creates the Judas bullet, which is able to shoot through Kevlar vests and explode upon impact. These bullets work on

Cage, as Diamondback shoots Cage twice, once in the shoulder and once in the stomach. Dr. Claire Temple gets Cage to Dr. Burstein's new location in Georgia, where together Temple and Burstein are able to remove the shrapnel from Cage's wounds. Upon his return to New York, Cage has a showdown with Diamondback in the middle of Harlem, where Cage eventually subdues Diamondback, allowing Cage to clear his name of Cottonmouth's murder and revealing Diamondback's attempt to frame Cage as a terrorist. However, due to the news coverage of Diamondback and Cage's fight in the middle of Harlem, Cage's true identity was exposed and arresting officers from the state of Georgia arrived to arrest Carl Lucas, who still had a sentence to serve at Seagate.

Many of the supporting characters in *Hero for Hire* and *Marvel's Luke Cage* appear in both series but serve differing purposes. Black Mariah, the main antagonist in *Hero for Hire #5*, plays a prominent role in *Marvel's Luke Cage*. In the Netflix series, Black Mariah is an alias for Councilwoman Mariah Dillard, who is the sister of Cornell Stokes.

Figure 4: *Hero for Hire* and *Marvel's Luke Cage's* portrayal of Mariah.

Source: Steve Englehart, illustrated by Billy Graham, *Luke Cage: Hero for Hire #5* (New York: Marvel Comic, 1973), cover. *Marvel's Luke Cage,* Mariah Dillard Promotional Release Poster, 2016.

Similar to *Hero for Hire's* Black Mariah, *Marvel's Luke Cage*'s Black Mariah is manipulative and power driven. Likewise, Shades and Willis Stryker are characters who appear in both series. In the comic book, Shades is a fellow inmate during Cage's incarceration who Cage befriends. Eventually Shades aids Cage in enacting revenge against Stryker and Rackham and he keeps Cage's identity a secret from the police, even though it meant Cage's going back to Seagate. In the television series, Shades was also a former inmate at Seagate; however, he works alongside Rackham and, after being released from prison, he recognizes Cage and has a personal vendetta to expose Cage's true identity as Carl Lucas. Claire Temple is seen in both Cage series. Unlike the comic book, the Netflix series highlights Temple's training as a doctor rather than the comic book's use of Temple as a romantic partner. The addition of two new characters to *Marvel's Luke Cage* allows for the new series to diverge from the original storyline and become more relevant to the twenty-first century. The introduction of Cornell "Cottonmouth" Stokes and New York Police Department (NYPD) detective Mercedes "Misty" Knight allows *Marvel's Luke Cage* to highlight the racial stratification in cities and police corruption and brutality.

The Power of Cage: Bulletproof Skin in a Bullet-Prone Age

Originally written by Archie Goodwin and illustrated by George Tuska, *Luke Cage: Hero for Hire* debuted contemporaneously with increasing unrest between white and black America.[191] Like the other stories Stan Lee and Jack Kirby had initially sought to tell, the goal in creating the

[191] Archie Goodwin and George Tuska, both white Americans, worked on issues one through three of *Luke Cage: Hero for Hire*. With the fourth issue, a new artist was introduced alongside Tuska, Billy Graham, an African American artist for the series. In issue five, Steve Englehart, also a white American, took over the writing for the series, and Graham took over the artwork. Englehart and Graham worked alongside one another as writer and artist, respectively; occasionally Tuska with Graham would provide artwork for *Hero for Hire.* In issue fourteen, Graham aided in writing the plotline. With issue fifteen, *Hero for Hire* had a new writer, Tony Isabella, who would write the series along with Englehart until it was cancelled, and Graham would be the main contributing artist until the series' cancellation.

Hero for Hire series was to envision Cage as a vehicle to facilitate a discussion about racial stereotypes and the injustices occurring in the 1970s.[192] Like other Marvel heroes, Cage is a relatable character with a flawed personality and real-life personal problems that resonate with the audience, in particular a black audience. Playing off the racial stratification and stereotyped personas of African Americans in the 1970s blaxploitation film genre, Goodwin and Tuska used certain blaxploitation characteristics to make Luke Cage appeal to a wide audience. Cage is seen as a hyper-masculine African-American who blurred the definition of a protagonist.[193] However, while certain character traits may have coincided with blaxploitation, by developing into a black bulletproof super-human, Cage became a symbol of strength, masculinity, and black power, enabling the series to address the prominent issues of mass incarceration and racial stratification in the 1970s.

When Goodwin and Tuska stepped down from writing and illustrating *Hero for Hire*, Steve Englehart took over the series until it was cancelled in 1973. Englehart rooted his interpretation of Cage's story in Goodwin's characterization and recognized that "Luke Cage was created as Marvel's response to blaxploitation movies, but [Cage] was far more than Marvelsploitation."[194] Recognizing that Cage provided an opportunity to do more than capitalize on the successes of the blaxploitation genre, Englehart utilized *Hero for Hire* as a platform to illustrate the racial inequalities continuing in American society, serving as a response to the current socio-political climate of the 1970s. The powerful symbolism of Cage's bulletproof skin

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[192] Stan Lee (Marvel Comic's former editor-in-chief) in discussion with Amazing Hawaii Comic Con! panel, Hawaii Convention Center, Honolulu, Hawaii, 20 September 2015.
[193] Adilifu Nama, *Super Black: American Pop Culture and Black Superheroes* (Austin: University of Austin Press, 2011), 36.
[194] Marvelsploitation refers to Marvel's ability to take popular trends and issues in American and integrate them into their storylines to stimulate audience interest and creating a bigger profit.
Steve Englehart, "Luke Cage, Hero for Hire: 5-16, 26," *Steve Englehart*, accessed 18 September 2016. http://www.steveenglehart.com/Comics/Luke%20Cage%205-16,%2026.html.

and super-human strength acted as a shield against the real situations blacks faced in American society.

The distrust of the system and the prevalence of police brutality continued through the 1960s, as seen in the Black Panther Party's "What We Want, What We Believe" (1966) ten-point program. The seventh point in "What We Want, What We Believe" called for the immediate end to police brutality and the murders of blacks.[195] The BPP believed that blacks could "end police brutality in black communit[ies] by organizing black self-defense groups that are dedicated to defending black communit[ies] from racist police oppression and brutality."[196] Evoking a sense of black power was integral to groups like the BPP during the Civil Rights Movement. In 1966, Stokely Carmichael coined the phrase "black power," which went on to be a defining and controversial idea that had different associations depending on the group employing the phrase. In "Black Power" (1966), Carmichael asserted that the only way for blacks to initiate change was from within the community, which directly reflected the seventh point that the BPP laid out in its ten-point program.[197] Carmichael's call for black power and the BPP's ten-point program indicated the desire of the black community to have the opportunity for self-determination and for the government to extend the rights of the United States' Constitution to black communities.

The BPP's call for self-determination and the ability to control the direction and future of black communities stemmed from blacks being part of an oppressed colony. This observation came at the end of the BPP's "What We Want, What We Believe," when the BPP stated, "governments are instituted among men, deriving just powers from the consent of the governed;

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[195] Black Panther Party, "What We Want, What We Believe (1966)," in *A History of Our Time: Readings on Postwar America*, eds. William H. Chafe, Harvard Sitkoff, and Beth Bailey (Oxford: Oxford University Press, 2012), 119.
[196] Ibid, 119.
[197] Stokely Carmichael, "Black Power" in "'Black Power' – 'What We Want' by Stokely Carmichael" in *Let Nobody Turn Us Around Voices of Resistance, Reform, and Renewal: An African American Anthology,* eds. Manning Marable and Leith Mullings (Lanham: Rowman & Littlefield Publishers, Inc., 2000), 443, 445.

that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it . . . it is their right to throw off such a government and provide new guards for their future security."[198] According to American historian William H. Chafe, the BPP's ten-point program emphasized that "African Americans constituted an oppressed colony within a white oppressor nation."[199] Chafe's argument coincided with Dan Berger's belief that the oppression of blacks was a direct result of America's internal colonization, in which blacks were perceived as captives within a nation that whites define and control.[200] According to Chafe and Berger, America is an internal colonizer that historically and systematically subjected blacks to police brutality and high rates of incarceration. The development of Cage's indestructibility and superhuman strength conversely portrayed blacks as powerful and represented an attempt to break free from the internal colonizer. Cage faces police brutality, as demonstrated through his interactions with the racist Captain Rackham and Officer Quirt, as white America attempted to maintain internal colonial control.

In an interview with J. J. Brochier, French philosopher Michel Foucault stated that the prison system is a conduit that facilitates the growth of criminals and debauched behavior, rather than working as a system of reform and rehabilitation.[201] In the *Hero for Hire* series, Foucault's idea was illustrated through the degraded state of the prison and the power that prison administrators wield over inmates. Throughout *Hero for Hire #1,* Officer Quirt and Captain Rackham are constantly seen reveling in punishing and abusing inmates. Foucault indicated

[198] Black Panther Party, 119-120.
[199] Ibid, 117.
[200] Berger, 25.
[201] J. J. Brochier, "Prison Talk," in *Power/Knowledge Selected Interviews and Other Writings, 1972-1977by Michel Foucault*, edited by Colin Gordon, 37-54 (New York: Pantheon Books, 1980), 42.

in his interview that prison created a mechanism of power, and once power is attained it can give a person authority and dominance, enabling a person to lose his or her sense of responsibility and empathy.[202] Quirt and Rackham are constant reminders to prisoners of the division between guards and prisoners, the free and the enslaved, and white and black racial tensions.

Figure 5: Quirt's abuse of solitary confinement protocol.

Source: Archie Goodwin, illus. George Tuska, *Luke Cage: Hero for Hire #1* (New York: Marvel Comic, 1972), 2.

Prior to Lucas' acquisition of his powers, Rackham constantly abused Lucas and other black inmates. Throughout *Hero for Hire #1*, Officer Quirt and Captain Rackham are regularly seen enjoy punishing and physically assaulting inmates. Acting on Rackham's orders, Quirt has Lucas thrown in solitary confinement for three days. A fellow guard tells Officer Quirt, "I don't like this Quirt, you've had 'im in there three days past his sentence. No human being should have to spend that long in the hole."[203] Quirt responds, "Stow it! If he were really human he would have cracked a long time ago!"[204] The response Quirt provides the other officer is significant for two reasons. One, Quirt's statement questioning whether or not Cage is human shows that Quirt does not view Cage to be human, revealing a bias against blacks. However, Quirt also foreshadows Lucas' eventual evolution into the super strong and bulletproof Luke Cage, while evoking a sense of aggravation

[202] Foucault, 51.
[203] Goodwin, 2.
[204] Ibid, 2.

for the mental and physical strength Lucas wields as a black man. However, despite Quirt's attempt to mentally break Lucas in solitary confinement, Lucas does not break.

The main method of inflicting punishment in *Hero for Hire* is abusing solitary-confinement protocol. Rackham is seen using solitary confinement as a method of power and control. In order to control and prevent potential insurgent uprisings, Rackham utilizes solitary confinement as a means of punishment for those who do not want to become criminal informants for him. *Hero for Hire #1* illustrates Shades attempting to organize a demonstration to show the new warden the power inmates had in the prison.[205] Rackham, aware of the threat Shades poses, attempts to stifle his movement by convincing Lucas to gather insight on the "militants looking to cause trouble."[206] Lucas[207] declined to participate in Rackham's scheme as he was opposed to Rackham's plan of seeking retribution against potential militant black inmates, which landed him in solitary confinement. In a maximum security prison like Seagate, there is a perpetual use of isolation and exclusion as methods to control, contain, and punish insubordination.[208] Attempts to control inmates through isolation and solitary confinement resulted in long-term, detrimental psychological effects of irrational and disruptive behavior, paranoia, anger, aggression, hallucinations, and lack of self-control.[209] Quirt and Rackham symbolize the excessive use of solitary confinement and the physical and verbal abuse officers heaped on prisoners: they exuded the fear prison officials and administrations had of militant uprisings within penal institutions. They are also emblematic of the manipulation of the justice system as a means of coercing prisoners to adhere to the will of prison guards and administrations.

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[205] Goodwin, *Hero for Hire #1,* 2.
[206] Ibid, 3.
[207] At this time in *Hero for Hire,* Cage does not have his powers and will be referred to as Carl Lucas.
[208] Lorna A. Rhodes, *Total Confinement: Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press, 2004), 55.
[209] Rhodes, 111-114.

Figure 6: Rackham's abuse of power against Shades and Comanche.

Source: Steve Englehart, illus. Billy Graham,
Luke Cage: Hero for Hire #14 (New York: Marvel Comic, 1973), *8.*

Being a regular recipient of Quirt and Rackham's cruelties, Lucas volunteers for Burstein's experiment. After gaining his powers, Cage is able to escape Seagate and Rackham's abuses. However, Rackham's manipulation of power does not stop after Lucas' escape from prison, rather it escalates. After Lucas' escape, the warden assigned to Seagate is fired, and Rackham's actions are now unsupervised. Rackham's wrath rises as he begins to exploit prisoners who had associated with Lucas. Shades and Comanche share how Rackham would lock

them in solitary confinement for days with no food and physically abuse them purely because of their association with Lucas.[210] Rackham's authoritarian approach to discipline does not last long; the former warden calls for an internal investigation into Seagate, and reports find the prison in a state of neglect and discover the excessive use of force against prisoners.[211] While the results of the investigation are unknown, Rackham is fired from Seagate, forced to look for another job. Combined with his racist sentiments, Rackham's use of power had resulted in a facility that endorsed and condoned deviant behavior toward inmates.[212]

Similar to the depiction of the racist Rackham and Quirt, guards' abuse of power were seen in many prisons during the 1970s, the most notable in the Attica Correctional Facility. *The New Yorker* writer Adam Gopnik described Attica as, "The largest industry in a forsaken and impoverished upstate town, it was a place where urban blacks were locked up in bathroom-size cells to be guarded by rural whites. Although Attica was a high-security prison, . . . the population was the usual mixture of small-time thieves and mid-level drug dealers."[213] Like Seagate, Attica was originally built to house violent offenders, but the maximum security prison was transformed to house non-violent drug offenders due to the stringent policing of Rockefeller's drug laws. As a result of non-violent criminal convictions, Attica became overcrowded and the facilities were unable to keep up with the huge influx of prisoners, resulting in stretching state funding to provide the minimal necessities to the maximum number of prisoners, and prisoners had few necessities provided to them through state funding.[214] Inmates

[210] Englehart and Graham, *Hero for Hire #14*, 4.
[211] Ibid, 4.
[212] Once Rackham is fired from Seagate, The *Hero for Hire* storyline does not indicate the relationship between prison officers and prisoners after Rackham is fired from Seagate. It is unknown whether the abuses stop.
[213] Adam Gopnik, "Learning from the Slaughter in Attica," *The New Yorker* 29 August 2016, accessed 30 March 2017, http://www.newyorker.com/magazine/2016/08/29/learning-from-the-slaughter-in-attica. Thompson, 9.
[214] Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon Books, 2016), 7.

received a thin grey coat, two grey work shirts, three grey pairs of pants, one pair of shoes, three pairs of underwear, six pairs of socks, and a comb upon entrance; prisoners would then receive one bar of soap and one roll of toilet paper a month.[215] There were only two doctors to treat between 100 and 125 prisoners a day in a thirty-minute time period.[216] Like Seagate, Attica used solitary confinement as a method of control; prisoners spent between fifteen and twenty hours a day locked in their bathroom-sized cells and were only allowed thirty to one-hundred minutes of physical activity a day.[217] The deteriorating conditions and inhuman treatment at the the prison became so detrimental that inmates took over the prison, leading to the Attica Prison Riot in September 1971. Newspapers headlines across the country deemed the riot, "the bloodiest revolt in the nation's modern prison history."[218] During the riot African American and Latino prisoners in Attica wrote "'The Five Demands' – To the People of America," which listed demands for commodities and humane conditions that all humans should be able to access, such as uncensored reading material.[219] At the end of the rebellion, President of the Correction Officers' Union, Jerry Wurf, advocated "secure and humane penal facilities [as opposed to the] decaying relics of penal theories discarded long ago."[220] The treatment of both Cage and Attica prisoners highlighted the wide-spread abuses and the deteriorating, inhumane state of American prisons.

Marvel's Luke Cage addresses how police corruption and brutalities advance Cage's story. Like *Hero for Hire*, corruption within the penal system occurs in *Marvel's Luke Cage* as

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[215] Ibid, 8.
[216] Ibid, 10.
[217] Thompson, *Blood in the Water,* 8-9. Gopnik, "Learning from the Slaughter in Attica."
[218] Joseph Zulu and Vincent Butler, "35 Killed in Prison Attack, 7 Hostages and 28 Convicts are Slain, Barricades are Stormed," *Chicago Tribune*, 14 September 1971, accessed 4 August 2016. http://archives.chicagotribune.com/1971/09/14/page/1/article/35-killed-in-prison-attack-7-hostages-and-28-convicts-are-slain.
[219] "Attica: 'The Furry of those Who Are Oppressed" in *Let Nobody Turn Us Around: Voices of Reformation, Reform, Resistance and Renewal: An African American Anthology*, eds. Manning Marable and Leith Mullings (Lanham: Rowman & Littlefield Publishers, Inc., 2000), 491.
[220] Thompson, *Blood in the Water*, 260.

prisoners are forced to fight for their lives in a guard-sanctioned fight club. Capitalizing on Lucas' strength even prior to attaining his super powers, Rackham blackmails Lucas into participating in his fight club, threatening the safety of Lucas' love interest, Reva, and friend, Squibbles.[221] Lucas' strength before Burstein's experiment enables him to win fight after fight, ensuring the protection of those he considers friends; however, the death of Squibbles fuels Lucas into leaving the fight club and leads to his near-death experience as Rackham orders Shades to beat him.[222] Lucas is then taken to Burstein's lab and, as in *Hero for Hire*, Rackham alters the experiment, causing the experiment to explode, killing Rackham and transforming Lucas.

After the explosion, Lucas escapes from Seagate without any suspicion as prison administrators assumed Lucas is dead. Since the experimentation was controversial and unknown to the public, Seagate covered up the explosion and there was no investigation into any deaths, injuries, or infrastructure damages. It was easier for Seagate to report the death of Lucas than to look into his disappearance because, if they were to report Lucas' disappearance, then the prison would have to admit to the human experimentation on prisoners. In "Take it Personal," the tenth episode of *Marvel's Luke Cage*, it is revealed that these human experiments were part of a larger secretive human genome project the prison was illegally sponsoring.[223] The experimentation at Seagate is reminiscent of the Tuskegee experiments where, between 1932 and 1972, the Public Health Service (PHS) conducted the "Tuskegee Study of Untreated Syphilis in the Negro Male"

[221] *Marvel's Luke Cage*, episode 4, "Step in the Arena," *Netflix,* 53:00, 30 September 2016.
[222] Ibid.
[223] *Marvel's Luke Cage*, episode 10, "Take it Personal," *Netflix,* 48:00, 30 September 2016.

in the black belt of the United States to find a cure for syphilis.[224] PHS took advantage of unknowing subjects, who were lied to and controlled due to their lack of education and health care, poor socio-economic status, and unskilled occupations.[225] Similar to Seagate's experiments on prisoners, those who took part in the Tuskegee experiments were convinced to participate in the study through promises of payment and were less likely to recognize and report the unethical treatment and procedures conducted during the research.

Burstein's fictional experiments and the real Tuskegee's experiments both exploited prisoners in medical experiments. Since African Americans are incarcerated at a rate of seven to one, when compared to whites, prisons continue to perpetuate the racial caste system in America, and represent an outpost of America's internal colonization. Despite the protections of the Eight and Thirteenth Amendments, which respectively guarantee the abolition of cruel and unusual punishment and slavery, loopholes in both amendments enabled manipulation to prevent the extension of such rights to prisoners.[226] Cruel and unusual punishment only applied to the original sentencing of a prisoner and the exception of allowing involuntary labor and servitude as a punishment for crimes enabled America to beset African Americans.[227]

The circumstances in which Cage gained his powers elucidate the social struggles of blacks during the respective time periods when each series debuted. In *Hero for Hire*, Cage is

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[224] Tuskegee University, "Annual Commemoration of the Presidential Apology for the U.S. Public Health Service Syphilis Study," *Tuskegee University* 2017, accessed 25 February 2017. http://www.tuskegee.edu/about_us/centers_of_ excellence/bioethics_center/about_the_usphs_syphilis_study.aspx

[225] While the PHS attempted to find a cure for syphilis, many of the operations and experiments prolonged and accelerated syphilis in the patients. Through PHS' experiments, the PHS stumbled across a woman's cells that would be of vital use in developing the polio vaccine, cloning, and gene mapping; known as "HeLa" cells, named after the black woman sharecropper Henrietta Lacks, PHS would experiment on prisoners to see if the HeLa cells were suitable for human use. Rebecca Skloot, *The Immortal Life of Henrietta Lacks* (New York: Broadway Paper Backs, 2011), 129. Naomi Rogers, "Race and the Politics of Polio: Warm Springs, Tuskegee, and the March of Dimes," *American Journal of Public Health* 97 (2007): 784-795, accessed 25 February 2017. https://www.ncbi.nlm.nih.gov/pmc/ articles/PMC1854857/.

[226] Constitution of the United States, Amendment VIII. Constitution of the United States, Amendment XIII.

[227] Colin Dayan, "The Story of 'Cruel and Unusual,'" Lecture at Vanderbilt University, 7 November 2007, accessed 10 November 2015, https://www.youtube.com/watch?v=1ZWxdc6E3Vg.

seen as a response to the social upheavals during the Civil Rights Movement. His bulletproof skin reflected social commentary on the high rates of police and white mob brutalities against black communities and Civil Rights activists. The themes of self-defense and community protection are also seen in the 2016 *Marvel's Luke Cage*, indicating the long term failure of the federal government to initiate changes in black's socio-economic mobility and police training to avoid race-based biases and profiling.

Cage's bulletproof skin in *Marvel's Luke Cage* symbolizes an increase in public perception and awareness of police brutality against black Americans, filled with allusions to the BLM movement's political platform. Modeled after the BPP's ten-point program, the BLM movement's political platform calls for "an immediate end to police brutality and murder of black people."[228] In addition, the 2015 Justice Department's findings on the Ferguson Police Department solidified suspicions about law enforcement's use of racial biases and intentional discrimination against African Americans in arrests.[229] In an interview with MTV, Mike Colter, the actor who plays Luke Cage in the Netflix series, said "It made sense to me that Luke Cage would wear a hoodie. He's trying to be incognito, but it's also symbolic because of Trayvon Martin. We talked about, what [wearing a hoodie] would mean to people and the feelings it would evoke in viewers. Regardless of the entertainment value, what this show says politically resonates profoundly."[230] *Marvel's Luke Cage* creator, Cheo Hodari Coker, additionally commented on the importance of having a bulletproof black superhero and using the show as a political platform. At the 2016 Comic-Con, Coker stated, "When I think about what's going on

[228] Black Panther Party, 119.
[229] United States Department of Justice Civil Rights Division, 4.
[230] Crystal Bell, "*Luke Cage* Star Explains Why He Fought to get the Bulletproof Superhero in That Hoodie," *MTV News*, 30 September 2016, accessed 9 December 2016. http://www.mtv.com/news/2938187/luke-cage-mike-colter-bulletproof-black-superhero-hoodie/.

Figure 7: Mike Colter, as Luke Cage, paying homage to Trayvon Martin, donning a grey hoodie.

Source: *Marvel's Luke Cage*, Episode 3, "Who's Gonna Take the Weight," Netflix, 57:00, 30 September 2016.

in the world right now, the world is ready for a bulletproof black man."[231] During a time in which police brutality toward blacks was increasingly highlighted in the media, the importance of showing a bulletproof, invulnerable black man resonated with the audience. *Marvel's Luke Cage* epitomizes what Stan Lee and Jack Kirby initially strove for in creating their first family of super heroes: drawing audience attention through fictionalized super heroes while pulling inspiration from the real world to provide commentary on social, political, and economic issues throughout the nation. *Marvel's Luke Cage* references the struggles of black America and the need to value black lives. However, the commonalities seen in both series represent the continuities between each time period, indicating the immediate need for social change. Through focusing on Cage's origin story and the development of his powers, both *Hero for Hire* and *Marvel's Luke Cage* address how racial stratification and the mass incarceration of African Americans were the results of racial policing and personal prejudices in law enforcement.

[231] Gay, "Colter superb as superhero ascending."

Racial Stratification and the Criminalization of Space

Racial stratification is clearly seen in both Luke Cage series through the depiction of Harlem. Cage's Harlem shows the struggles blacks encounter due to prejudices that establish social and economic racial inequalities. *Hero for Hire* depicts the inner city as unable to produce a thriving livelihood and blacks as involved in criminal activity.[232] Highlighting the intersectionality of politics and economics in inner cities, *Marvel's Luke Cage* addresses Daniel Patrick Moynihan's "The Negro Family: The Case of National Action" (1965) and Moynihan's memorandum to President Richard M. Nixon regarding implementing a policy of benign neglect in Harlem, and other similar cities.[233] Because both series focus on the notions of racial stratification and criminalization of space in the inner city, it is essential to analyze the symbolic use of these themes in relation to the inner city during the 1970s and 2010s.

In his 1965 report, "The Negro Family: The Case for National Action," Moynihan looks into the structure of the black family in American society. In the introduction to "The Negro Family," Moynihan states, "the gap between the Negro and most other groups in American society is widening."[234] Moynihan attributes this racial divide to two factors: "First, the racist virus in the American blood stream still afflicts us: Negroes will encounter serious personal prejudice for at least another generation. Second, three centuries of sometimes unimaginable mistreatment have taken their toll on the Negro people."[235] Moynihan's reference to the "racist virus in America" can be applied to Hall's concerns about whether or not police officers are able to separate personal biases in their enforcement of legislation because of implicit bias. The

[232] Jackson, 18.
[233] Ta-Nehisi Coates, "The Black Family in the Age of Mass Incarceration," *The Atlantic Monthly,* October 2015, accessed 23 August 2016. http://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/#Chapter%20I.
[234] Daniel Patrick Moynihan, "The Negro Family: The Case for National Action," Office of Policy Planning and Research, United States Department of Labor, 1965, introduction.
[235] Ibid.

second point reflects the impact of centuries of racist policies that contributed to the mass incarceration of African Americans and the deterioration of black families. A "key" finding in "The Negro Family" is that the absence of the African American familial patriarch is due to high levels of incarceration and policing.[236] The United States Justice Department's Crime Report of 1967 confirmed Moynihan's argument about the connection between crime and a lack of upward mobility for blacks. The 1967 Justice Department Crime Report indicated that increases of crime directly correlated to impoverished areas, making the economic successes of both a city and city's population reliant on one another.[237] Moynihan's observations and inferences about public biases against blacks and crime remain relevant in the twenty-first century; however, Moynihan's 1965 report is often criticized for attributing crime to black male pathology and black culture rather than to the failures of government.[238] Moynihan recognized the hardships black families in the inner cities faced, but he was unable successfully to propose and implement legislation to help residents. Michelle Alexander has attested to the media's sensationalized crime reports and the controversy surrounding the accuracy of crime statistics, while Stuart Hall has analyzed the effects an increase in police presence has upon increases of crime reporting due to moral panic.[239] Additionally, Heather Ann Thompson argues that high rates of incarceration are due to heads of households spending a majority of their time in prison, unable financially to contribute to their families, which perpetuates a cycle of poverty and crime.[240] Moynihan's attempt to highlight the racist roots of the American socioeconomic structure demonstrates the

[236] Coates, "The Black Family in the Age of Mass Incarceration."
[237] Congressional Quarterly*, Crime Report*.
[238] Coates, "The Black Family in the Age of Mass Incarceration."
[239] Alexander, 41. Hall et al, 19-20.
[240] Thompson, "Why Mass Incarceration Matters," 713.

prominence of the cyclical pattern of incarceration that affects blacks living in inner cities.[241]

As Michelle Alexander argued, the method of recording and reporting crime statistics were not standardized, which resulted in skewed reports that were highlighted in the media; however, a common factor in crime reporting was the criminalization of space.[242] Localized policing created racially skewed police reports that demonstrated that most crime occurred in urbanized areas.[243] According Robert Perkinson, "Between 1985 and 1995, the incarceration rate for violent offenders increased by eight-six percent, but the nonviolent rate [of offenders] soared by 478 percent."[244] Since a majority of arrests occurred in inner cities, the racial and ethnic make-up of state prisons and jails reflected the areas where these new laws and policies were most heavily enforced, and those arrested were largely African Americans.[245] Without investigation into the reasons for a 478 percent increase in incarceration, the use of this statistic could provide the perception of law enforcement effectively policing and controlling the constituents in areas commonly associated with crime. The treatment of how information is disseminated to the public is contrived to look as though there are wide-spread accomplishments in newly implemented policies.

Aligning with Moynihan's perception of the socio-economic structure of the black community, Cage's Harlem is seen as the center of urban life and activity, but the city also illustrates societal degradation.[246] In *Hero for Hire*, increases in crime and the deterioration of Harlem are visible through the imagery and are referenced throughout the series' storyline. Figure 8 from *Hero for Hire #1* alludes to public concern regarding drug usage in New York,

[241] Moynihan, "The Negro Family," 33, 39, 47-48.
[242] Alexander, 51.
[243] Mauer and King, 16.
[244] Perkinson, 21.
[245] Mauer and King, 17.
[246] Moynihan, "The Negro Family," 19

which eventually led to the development of Rockefeller's drug policies, as Cage is wrongly imprisoned on a narcotics charge.[247] The establishment of stricter policing in urban areas and tougher drug sentencing contributed to the criminalization of Harlem, associating blacks living in Harlem with crime. The social degradation of Harlem was furthered through a lack of opportunity for upward mobility. According to historian Thomas W. Gallant, capitalist enterprises led to economic inequality and crime, arguing that "the boundaries between legality and illegality were blurred in order to make ends meet."[248] As Harlem became less viable in the nation-state's ability to thrive economically, Harlem was positioned on the periphery of American society, creating a process of deindustrialization and poverty. The socioeconomic restrictions pertaining to the lack of

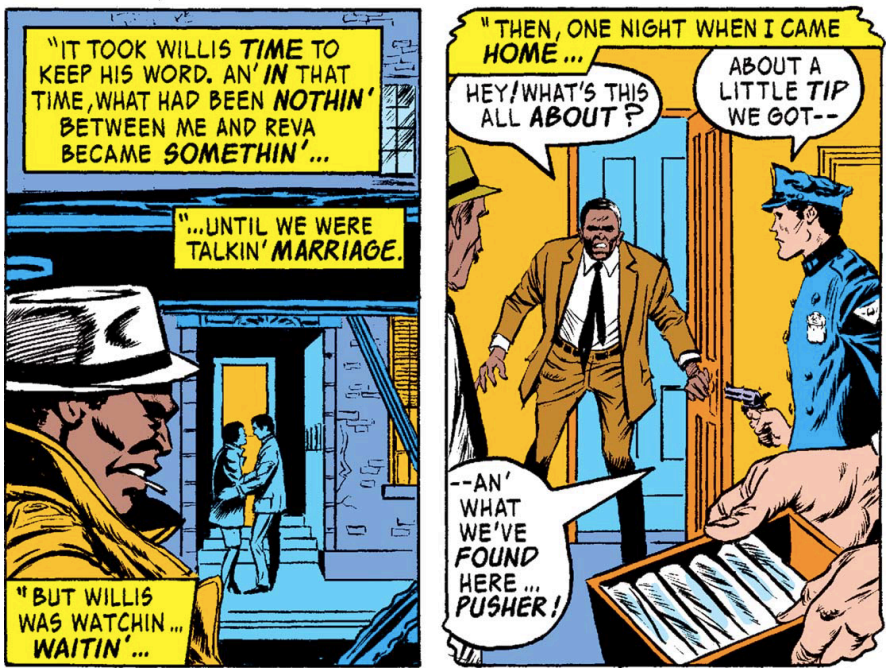

Figure 8: The wrongful conviction of Carl Lucas (Luke Cage).

Source: Archie Goodwin, illus. George Tuska
Luke Cage: Hero for Hire #1 (New York: Marvel Comics, 1972), 13.

[247] By 1972 federal statistics report that there were around 559,000 drug users and New York statistics show a thirty-once percent increase in drug arrests. Madison Gray, "A Brief History of New York's Rockefeller Drug Laws," *Time*, 2 April 2009, accessed 10 April 2017. http://content.time.com/time/nation/article/0,8599,1888864,00.html.
[248] Thomas W. Gallant, "Brigandage, Piracy, Capitalism and State Formation: Transnational Crime from a Historical World-Systems Perspective," in *State and Illegal Practices,* ed. Josiah McC. Heyman (New York: Berg, 1999), 50.

employment opportunities in Cage's Harlem left blacks in confined urban areas, where banditry and crime emerged as means of survival.[249] High rates of crime are seen in *Hero for Hire #5*, when Black Mariah and her gang rob from the deceased,

Figure 9: The social degradation in Cage's Harlem.

Source: Steve Englehart, illus. Billy Graham, *Luke Cage: Hero for Hire # 8* (New York: Marvel Comics, 1973), 10.

highjack auto parts, and steal from businesses in order to make a living.[250] *Hero for Hire #8* describes those who live on the outskirts of cities as "tapeworms, the grabbers, the slow-eyed

[249] Ibid, 50.
[250] Steve Englehart, illus. Billy Graham, *Luke Cage: Hero for Hire #5* (New York: Marvel Comics, 1973), 7-8.

boys looking for the fast money, the night-walkers."[251] As the social unrest of economic inequality plagued the inner city, disgruntled citizens begin to take matters into their own hands. The struggles that arise in *Hero for Hire* reinforce Moynihan's report, which suggested a cyclical pattern of crime and incarceration emerging among black families due to lack of economic opportunities.[252] Even if a formerly incarcerated person wanted to provide for his or her family, that person was denied employment opportunities due to his or her prior convictions.[253] *Hero for Hire* represents blacks living in the inner city, those who come from a lower socioeconomic sector and have been formerly incarcerated during the 1970s. *Marvel's Luke Cage* references Moynihan in episode 5, "Just to Get a Rep," citing a memorandum Moynihan wrote to President Richard M. Nixon in 1970 regarding implementing a policy of benign neglect in the inner city.

Figure 10: The cinematic representation of Cottonmouth as king of Harlem.

Source: *Marvel's Luke Cage*, episode 1, "Moment of Truth," *Netflix*, 55:00, 30 September 2016.

"Just to Get a Rep" takes place after Luke Cage raids Cottonmouth's secured building, symbolically named Fort Knox. Cage's raid costs Cottonmouth over a million dollars and makes a statement that Cage is not going to allow career criminals to run Harlem. Gathered in Cottonmouth's

[251] Steve Englehart, illus. Billy Graham, *Luke Cage: Hero for Hire #8* (New York: Marvel Comics, 1973), 10.
[252] Moynihan, "The Negro Family," 32-33.
[253] Thompson, 714.

office at Harlem's Paradise, Cottonmouth and his crew consider various options to deal with Cage. One of Cottonmouth's crew members, Koko, introduces Moynihan into the conversation pertaining to the direction of the city. Koko says, "I've been reading a book . . . it's on politics and the social conditions that created hip hop. The Dodgers left Brooklyn, Robert Moses created the Cross Bronx Expressway, and white folks went running for the suburbs. This cat named Moynihan went and hollered at Nixon and went and told the prez that maybe the inner city could benefit from benign neglect."[254] Koko then goes on to explain benign neglect as permitting a core community to tolerate the conditions and the self-policing in a periphery group in order for the two areas to co-exist with one another. Cottonmouth disagrees with Koko, shooting him in the head.

Moynihan had suggested using benign neglect to President Richard M. Nixon in regard to the racial division in American society. Building upon his 1965 report, on 16 January 1970, Moynihan sent a memorandum to Nixon where he stated,

> The time may have come when the issue of race could benefit from a period of 'benign neglect.' . . . We may need a period in which Negro progress continues and racial rhetoric fades. The administration can help bring this about by paying close attention to such progress – as we are doing – while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics or whatever.[255]

Moynihan's hope in suggesting a policy of benign neglect was to allow the black community a chance to progress without interference from the American government and law enforcement. Moynihan documented the growth of success within black communities—an upturn of black employment from 1960 to 1968, an eighty-five percent increase in collegiate attendance between

[254] *Marvel's Luke Cage*, episode 5, "Just to Get a Rep," *Netflix,* 52:00, 30 September 2016.
[255] Daniel Patrick Moynihan, "Memorandum for the President," *Richard M. Nixon Presidential Library and Museum*, 16 January 1970, accessed 1 March 2017, https://www.nixonlibrary.gov/virtuallibrary/releases/jul10/53.pdf.

1964 and 1968, and a thirty-five percent rise in income from 1960 to 1968.[256] He also addressed how the government and media had ignored the plight of working-class blacks and suggested that the struggles of the working class should be more clearly highlighted. Moynihan acknowledged the fact that the Nixon administration had agreed to address the racial stratification of inner cities; however, Moynihan was also unhappy at the slow response and action being taken, which resulted in a memorandum with recommendations that could be implemented easily.

Koko's mention of Moynihan and benign neglect represents the relevance of Moynihan's memorandum to Nixon in the twenty-first century, showing that black communities continue to have high levels of unemployment, crime, and poverty. However, Koko's death symbolizes the lack of support for the implementation of benign neglect in inner cities. The issue of benign neglect continues to apply to the black community; yet, rather than apply the theory to government interference in these communities, Koko was using the concept to apply to Luke Cage. Urging Cottonmouth to refrain from taking immediate action against Cage, Koko was suggesting that Cottonmouth allow Cage to patrol his streets while Cottonmouth continued controlling his areas.[257] Cottonmouth's disdain for this suggestion is due to the fact that by applying benign neglect to Luke Cage, Cottonmouth would be directly threatening his image of power and control in Harlem. Harlem's Paradise, Cottonmouth's club that is always shown as lively and thriving, established Cottonmouth's domination of Harlem's black-market affairs. While there are other gangs in Harlem, Cottonmouth is king of Harlem.[258] However, upon close

[256] Ibid, "Memorandum for the President."
[257] *Marvel's Luke Cage*, "Just to Get a Rap."
[258] *Marvel's Luke Cage*, episode 1, "Moment of Truth," *Netflix*, 55:00, 30 September 2016.

inspection of both the black community and Harlem's Paradise, problems and threats to the well-being, success, and stability of Harlem and other inner cities must be dealt with immediately.

In addition to the degradation and criminalization of space, the inner city also represents the normalization of racial stratification in American society. This normalization is seen in both *Hero for Hire* and *Marvel's Luke Cage*. In *Hero for Hire #9*, racial stratification and internal colonization are depicted through the subjugation of Doctor Doom's robot slaves in the fictional country of Latveria. Cage travels to Latveria to find Doctor Doom and collect payment for a job.[259] Upon entering Latveria, Cage emerges in the middle of an ongoing robot revolt against Doctor Doom. The Faceless One, the revolutionary robot leader against Doctor Doom's tyrannical rule, explains to Cage, "Here, if you are not one of Doom's own, life is hell! Once before, I attempted revolt—I failed, yet I try again. The plight of these machines is heartrending, Cage. Other countries have in the past imported slaves…but Doctor Doom manufactures his!"[260] The Faceless One's speech alludes to

Figure 11: Cage's meeting with the Faceless One on Doom's planet, Latveria.

Source: Steve Englehart, illus. Billy Goodwin, *Hero for Hire #9* (New York: Marvel Comics, 1973), 8.

[259] Englehart *Hero for Hire #8*.
[260] Steven Englehart, illus. George Tuska, *Luke Cage: Hero for Hire #9* (New York: Marvel Comics, 1973), 8.

the development of slavery throughout history and acknowledges how enslavement divides a country. Cage responds to the Faceless One, saying

"Don't play that song for me, darlin'—I can dig it right enough! But jivin' don't hook Luke Cage, an' you couldn't care less about American History!"[261] Through this dialogue, Cage is indicating that while the plight of the robot slaves and the continual struggle to attain equality for blacks in America is similar, the conditions facing robots and blacks are not identical.

Film and literature critic Mark Bould argues that this interaction between Cage and the Faceless One represents an attitude of color blindness, only noting the similarities and the simplification of the groups' unique histories and identities.[262] The amalgamation of both the fictional and nonfictional struggles of continued subjugation is representative of prejudices that continue to exist in American society. Rather than directly addressing notions of racial inferiority in *Hero for Hire*, the series normalizes racial stratification, as seen in the dialogue between the Faceless One and Cage. Bould is quick to point out how the disregarding of racial division in society "validates and normalizes very specific ideological and material perspectives, enabling discussions of race and prejudice on a level of abstraction while stifling a more important discussion about real, material conditions, both historical and contemporary."[263] The attempt in *Hero for Hire* to comment on the internal colonization of blacks in the United States is thus only seen in a fictional country depicted in the journey of a fictional character's series. In contrast, *Marvel's Luke Cage* highlights the continued division of races in the twenty-first century through prominent stories of corruption and solidarity in Cage's Harlem.

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[261] Ibid, 8.
[262] Mark Bould, "The Ships Landed Long Ago: Afrofuturism and Black SF," *Science Fiction Studies* 34 (2007): 179.
[263] Ibid, 180.

Themes of corruption and solidarity in *Marvel's Luke Cage* are notably depicted in scenes that involve police interaction in Harlem. In episode ten, Diamondback frames Cage for the death of a white cop. Diamondback initiates a racial and power divide between the police and blacks in Harlem. Both detective Misty Knight and Councilwoman Mariah Dillard comment on

Figure 12: Harlem police department's harassment of the black community after Cage's alleged murder of a white cop.

Source: *Marvel's Luke Cage,* episode 10, "Take it Personal," *Netflix*, 48:00, 30 September 2016.

the racial tensions that are increasing in their city due to the assaults. Knight notes, "When a cop gets killed, heads will roll," while Dillard says, "Now kids are getting jacked up by the police."[264] Knight and Dillard observe an upsurge in racial division, an instigation of racial tensions, and an increase of localized policing in Harlem, as the Harlem police department is on a manhunt for Cage. Episode ten of *Marvel's Luke Cage* shows the police questioning black residents regarding the whereabouts of Luke Cage around Harlem, demonstrating Foucault's

[264] *Marvel's Luke Cage*, episode 10, "Take it Personal."

theory of power. In response to the death of the white cop, his partner, Jake, says, "We're gonna hit the streets hard, going to shake the ground. Smoke [Cage] out. . . . I'm twenty-eight years on the job. I'm not some idiot who's afraid of blacks and Hispanics."[265] The police implement racialized targeting, harassing and questioning all black men in an attempt to find where Cage is hiding. One of the men that the police manhandle gives up the name of a young black boy, Lonnie, who is a known friend of Cage. An officer then brings Lonnie into the precinct for interrogation.

Lonnie is taken into an interrogation room where, as a minor, he is questioned without a lawyer or parent present. Lonnie is quick to point out the flaws in the way the police picked him

Figure 13: Lonnie's interrogation in *Marvel's Luke Cage*.

Source: *Marvel's Luke Cage*, episode 10, "Take it Personal," *Netflix*, 48:00, 30 September 2016.

[265] Ibid.

up. Lonnie indicates he was on his way home from school when the police picked him up with no probable cause; fifteen people can place him at the school's chess club, there is only a half-eaten Snickers bar in his backpack, and he is denied his phone call.[266] Lonnie continually questions why he is being held in interrogation and why Cage is under suspicion for murder, because he views Cage as a hero and a friend, incapable of murder.[267] Lonnie's defense of Cage fuels the officer's anger and frustration, and when Lonnie attempts to leave the precinct's interrogation room, the interrogating officer assaults the minor. The assertion of power that Harlem's police department displays in its investigation into the death of an officer demonstrates how the police believe they do not need to uphold regulations or protocol when they are looking into a death of a white cop at the hands of a black man.

Marvel's Luke Cage's illustrations of police brutality in the twenty-first century came during a time when investigations into the use of force and brutality into police departments was gaining national traction. The United States Department of Justice's investigation into the Ferguson Police Department demonstrated the need to implement better training in identifying racial biases and better evaluation of police procedures when race is involved. The increasing abuses of police power shows America as a prison nation. Sociologist Beth Richie defines a prison nation as a reflection of a shift in public policy and ideology that initiated a rise in the criminalization of disenfranchised marginalized groups, increases in aggressive policing, and the suppression of civil and human rights among minorities.[268] The implications of a prison nation are seen during the racialized targeting of black men in the police's search for Cage. When Lonnie's mom, Patty, comes to the police station, she states, "Luke Cage may be bulletproof, but

[266] Ibid.
[267] Ibid.
[268] Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012), 3.

my boy isn't."[269] Patty articulates how the police's quest to find retribution for Cage prioritized the investigation over the wellbeing and safety of school children in Harlem.

After Patty sees her son's beaten face, she tells Inspector Priscilla Ridley, the African American woman in charge of Harlem's police department, "You'd think a sister in charge would change things. But you're blue, which makes you just as white as anybody else!"[270] Patty's anger is symbolic for two reasons. First, Patty validates the result of Foucault's theory of power and authority— and the police in Harlem had no empathy or sympathy for those they questioned in their attempt to find Cage— the police became blind with power in their quest to seek retribution for the death of one of their own. Second, the questioning of Lonnie without Patty's consent and the the aggression exhibited toward Lonnie show the consequences of living in a prison nation as a racial minority.

Figure 14: Lonnie as a victim of Harlem's racialized targeting.

Source: *Marvel's Luke Cage*, episode 10, "Take it Personal," *Netflix*, 48:00, 30 September 2016.

Marvel's Luke Cage also demonstrates a rise community solidarity for those who are wrongly victimized. A local celebrity rapper named Method Man, or "Mef," shares his support for Cage and claims Cage is not a terrorist, as Cage had saved him and a shop owner from armed

[269] *Marvel's Luke Cage*, episode 10, "Take it Personal."
[270] Ibid.

robbers. Mef claimed that no wanted person would willingly go into a shop, knowing that there is a warrant for his arrest and that his face is all over the news, to save two men whose small convenience store was being robbed and to save Mef's life. Mef says, "there is something powerful about seeing a black man as bulletproof and being unafraid . . . The streets got mad love for Cage, I got mad love for Cage, he's one of ours. . . . The hood's got your back."[271] Cage's interaction with Mef provides two significant observations of inner cities. The first point that Method Man's speech exemplifies is the support seen within Harlem's community when a person is wrongly accused of a crime. With the criminalization of space and the increasing rates of arrests of inner city residents, Harlem's support for Cage demonstrates how high levels of policing, probable-cause arrests, and racialized targeting of criminals creates solidarity in a community. Police are seen targeting black men who wear hoodies, thinking they are Cage. Even though Cage has aided the police in suppressing violent criminals, Cage's blackness always trumps the power and safety he could bring to Harlem.

The second point illustrated in Mef's speech highlights the evident racial stratification of Harlem. The reason for the police's racialized targeting of black men in their pursuit of Luke Cage was a direct result of Diamondback's manipulation of the racial tensions between blacks and whites and police and inner city residents. Nazgol Ghandnoosh and Christopher Lewis reported on behalf of the Sentencing Report that the racial stratification of crime indicates that Americans "significantly overestimate the proportion of crime committed by blacks. . . . A national survey conducted in 2010 asked white respondents to estimate the percentage of burglaries, illegal drug sales, and juvenile crime committed by African Americans. . . . Responders overestimated actual black participation in these crimes by approximately twenty to

[271] *Marvel's Luke Cage*, episode 12, "Soliloquy of Chaos," *Netflix*, 1:02:00, 30 September 2016.

thirty percent."[272] Using a mechanized fist and wearing a dark grey hoodie, Diamondback assaulted the officer in a public space with multiple eye witnesses. All Diamondback needed was for the eyewitnesses and the cop's partner to see his hoodie, his strength, and his skin color to inspire racial targeting and to use those assumptions to his advantage, once again framing Cage for a crime he did not commit. While *Hero for Hire* hid social commentary regarding racism and segregation in American society behind a robot revolution on a fictional planet, *Marvel's Luke Cage* addresses increases in black mass incarceration and racial targeting as an integral part of the series' plotlines. The racial stratification seen in the Luke Cage series is due to the development of institutionalized racism in American society, seen through the enforcement of legislation and mass incarceration of African Americans.

Institutionalized Racism: Racial Profiling and Mass Incarceration

In *Marvel's Luke Cage*, Harlem police officers stop and seize residents for questioning based on personal prejudices. *Terry v. Ohio* ruled that the only requirement police officials needed to proceed with a warrantless search was probable cause and suspects' consent for the officer to stop and search their property. [273] Probable cause enabled police officers to conduct warrantless raids; anyone who could have information on the whereabouts of Luke Cage was susceptible to being stopped, questioned, and arrested. Officer Jake's statement on conducting a thorough search of Harlem for Cage supports Michelle Alexander and Stuart Hall's observations about personal biases toward distinct races and classes in Harlem.[274] Officer Jake tells Inspector Ridley that he is not going to let blacks and Hispanics intimidate him, and that they need to be

[272] Ghandnoosh and Lewis, 13.
[273] *Terry v. Ohio,* 392 U.S. 1 (1968).
[274] Alexander, 185. Hall et al., 44.

controlled like the "pests they were."[275] Jake's statement showcases his personal biases after the death of his partner, and his established prejudices given his previous run-ins with blacks and Hispanics cloud his ability to follow protocol.

Lonnie is quick to point out that he was brought into the precinct without the police presenting any viable probable cause, a violation of his Fourth Amendment rights. The Fourth Amendment affirms that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."[276] In Lonnie's case, there is no statement on why he is being brought in for questioning, violating his right to privacy and constituting an unsanctioned government intrusion in his life. Lonnie knew his right to refuse an officer's request to search his belongings and knew he was illegally detained, forced into going to the police station without an arrest warrant, and denied his request for a phone call and to leave the station. The leading reason for Lonnie to be questioned at the station was due to someone claiming Lonnie and Cage were friends. While this is probable cause, according to *Illinois v. Gates* (1983), probable cause had to pass a two-pronged test. As stated in *Illinois v. Gates,* "it is inadequate to sustain a determination of probable cause . . . . since it failed to satisfy the 'two-pronged test' of (1) revealing the informant's 'basis of knowledge' and (2) providing sufficient facts to establish either the informant's 'veracity' or the 'reliability' of the informant's report."[277] The wording of *Illinois v. Gates'* two-pronged test to determine probable cause is vague and allows room for personal interpretations to be influential probable-cause arrests.

[275] *Marvel's Luke Cage*, episode 10, "Take it Personal."
[276] Constitution of the United States of America, Amend. IV.
[277] *Illinois v. Gates*, 462 U.S. 213 (1983).

Harlem's police department neither looked into the information the informant provided about Lonnie's association with Cage before bringing him into the station nor had enough probable cause to force Lonnie into interrogation. Furthermore, questioning Lonnie without his mother present was in violation of the ruling in *J.D.B. v. North Carolina* (2011), which ruled that officers must provide Miranda warnings, under the Fifth Amendment, and allow a minor to call his or her legal guardian or state that he was free to leave the interrogation room.[278] Even if Lonnie had known where Cage was located, the information Lonnie provided during his illegal questioning would have been void due to the violation of his Miranda rights. While these laws were put into place to protect people from unjust search, seizures, and questioning, the loose application and rulings of laws, like *Terry v. Ohio* allowed the police to detain and question Lonnie, and the violations of the police department were only shown after the officer physically assaulted Lonnie, leaving noticeable bruising on Lonnie's face. However, the violation of Lonnie's Fourth Amendment rights is only one of the acts of civil and human rights suppression among minorities in the Luke Cage series. Criminal disenfranchisement and infringements on Eight Amendment and Fourteenth Amendment rights are also seen throughout the two series.

After being released from incarceration, felons are disenfranchised and denied certain citizenship rights, preventing them from being active contributing members of society. Prison evolved into the fourth peculiar institution, targeting African Americans, and preventing a sector of society from having full citizenship rights. Prisons continued to establish a division of power between black and white American citizens. From 1865 to 1900, southern prisons were filled with African Americans and nineteen states adopted laws that restricted voting rights for

[278] *J.D.B. v. North Carolina,* 564 U.S. (2011).

criminal offenders.[279] Criminal disenfranchisement created stateless American citizens. Thirty-nine states forbade convicts on probation from exercising their political rights, and in ten of these states criminal offenders were barred for life.[280] The large number of blacks imprisoned after 1900 resulted in a large demographic being denied the right to vote.

Similarities between the Black Codes from the Reconstruction era and the Supreme Court case *Richardson v. Ramirez* (1974) can be established, showing the continual attempts of the justice system to disenfranchise a population in American society. *Richardson v. Ramirez* allowed the state of California to disenfranchise convicted felons, as it "does not violate the Equal Protection Clause in the Fourteenth Amendment."[281] Under the Fourteenth Amendment, the Equal Protection Clause was created to prevent states from denying Americans equal protection under United States law; however, the clause only protected the equal

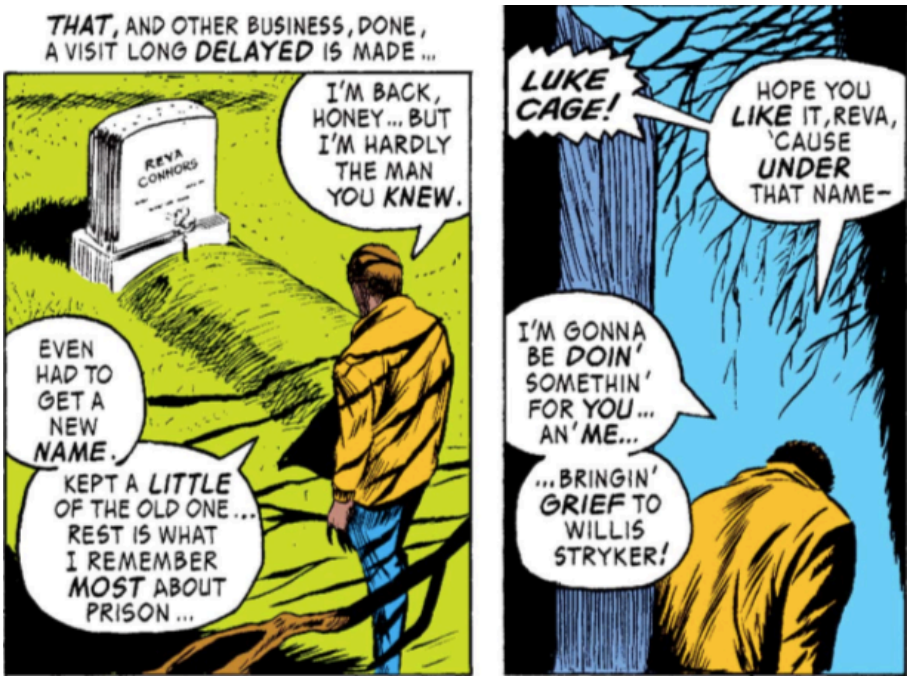

Figure 15: Carl Lucas' adoption of the name Luke Cage.

Source: Archie Goodiwn, illus. George Tuska, *Luke Cage: Hero for Hire #1* (New York: Marvel Comics, 1972), 22.

[279] Thompson, "Why Mass Incarceration Matters," 732.
[280] Wacquant, 58.
[281] *Richardson v. Ramirez,* 418 U.S. 24 (1974).

application of laws, not equality among citizens in America.[282] The legalization of the disenfranchisement of convicted felons condoned statelessness, which primarily targeted former inmates, making it harder for felons to readjust to the outside world upon their release. The ruling in *Richardson v. Ramirez* speaks to the statelessness Cage faces in the 2016 series. In *Marvel's Luke Cage*, prison did not reform Cage—prison killed Carl Lucas. Officers believed that the death of Lucas following the explosion not only enabled his escape but also forced Lucas to adopt a new alias, Luke Cage. As a result of adopting the pseudonym of Luke Cage, Carl Lucas' citizenship rights were removed because Luke Cage did not truly exist in society, as Cage was a fabricated identity. The creation of Luke Cage truly disenfranchised Carl Lucas.

Reform, as defined by Lee Bernstein in *America is the Prison* (2010), should make every effort to provide prisons with the necessary tools to provide safe, educational, and professional environments to aid in the rehabilitation and re-assimilation of convicts.[283] The 1960s saw the start of incorporating therapeutic modes of reform in prisons, but

Figure 16: The legal death of Cage and the corresponding removal of citizenship rights of naturally born American citizen due to incarceration.

Source: Archie Goodwin, illus. George Tuska, *Luke Cage: Hero for Hire #1* (New York: Marvel Comics, 1972), 20.

[282] "Equal Protection: An Overview," Legal Information Institute, Cornell University Law School, November 2015, accessed 14 December 2015, https://www.law.cornell.edu/wex/equal_protection.
[283] Lee Bernstein, *America Is the Prison: Arts and Politics in Prison in the 1970s* (Chapel Hill: The University of North Carolina Press, 2010), 7.

this practice was quickly discontinued; in the 1970s the prison was used as a source of training and work release programs, "convict leasing programs," and methods of disciplinary action through the use of solitary confinement, and censorship.[284] *Luke Cage: Hero for Hire* and *Marvel's Luke Cage* illustrate how prison contributed to the inability of inmates to create a sustainable life for themselves outside of prison.

Upon declaring Lucas deceased, Seagate removed Lucas' rights to citizenship and his ability to legally reacclimatize to society. According to the Supreme Court ruling in *Trop v. Dulles* (1958), the removal of citizenship rights from a naturally born citizen, which the Fifteenth Amendment defines as anyone who is born or naturalized in America, was considered to be cruel and unusual punishment as it causes the person to become stateless, which the Supreme Court ruled as more detrimental to a human than torture.[285] As a result of Lucas' "death," Lucas became stateless, no longer having a valid identity or home, and Lucas is forced to reinvent himself as Luke Cage and to take on any job that paid cash in order to survive. In *Hero for Hire*, after Lucas escapes from prison, he makes his way to shore from the island prison and works his way north, taking any job that pays cash, as "no task is too small for a man officially dead."[286] Similarly, in the Netflix series, the explosion of the experiment forces Seagate to report Lucas' death rather than launching an investigation, which would have exposed the illegal medical experiments on inmates. In both series, Lucas must assume the new identify of Luke Cage and must work for cash, either as a hero for hire, a dishwasher, or a barber-shop aide, so as not to

[284] Edgardo Rotman, "The Failure of Reform United States, 1865-1965," in *The Oxford History of the Prison: The Practice of Punishment in Western Society,* eds. Norval Morris and David J. Rothman (New York: Oxford University Press, 1995), 191.
[285] Constitution of the United States of America, "Cruel and Unusual Punishments," Eighth Amendment Further Guarantees in Criminal Cases, Washington, D.C.: United States Government Printing Office, 2002, 1572-3, accessed 29 November 2015. http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-9-9.pdf. *Trops v. Dulles*, 356 U.S. 86, 100-01 (1958).
[286] Goodwin, *Hero for Hire #1*, 20.

draw attention to his lack of identification and social security number. As a result of incarceration and medical experimentation, Cage must capitalize upon his new powers and become a hero for hire, selling the skills he attained in prison in order to earn money, allowing him to become unconventionally rehabilitated.

Although the Luke Cage series do not follow the life of a real inmate, the graphic novel did show the cruelties that inmates faced on a daily basis. From the abuse of solitary confinement, prison workplace intoxication, overly aggressive guards, verbal degradation of inmates, and experimental testing, *Hero for Hire* highlights the cruel and unusual punishments that were not originally part of an inmate's sentencing but were rather hidden behind the walls of the prison. However, due to the vague wording of the Eighth Amendment, which states, "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted," courts were able to rule that cruel and unusual punishment did not apply to what happens to the prisoner while incarcerated, and the Eighth Amendment only applied to the wording in the prisoner's original sentencing. [287] In 1878, *Wilkerson v. Utah* ruled that it is difficult to "define the exactness in the extent of the constitutional provision which provides that cruel and unusual punishments shall not be inflicted."[288] The precedent that *Wilkerson v. Utah* established reinforced the difficulty to define what was considered to be cruel and unusual punishment. Following *Wilkerson v. Utah,* rulings in *Weems v. United States* (1910), *Estelle v. Gamble* (1976), and *Wilson v. Seiter* (1991) further enforced the notion that cruel and unusual punishment applied to the wording in the original sentencing of the prisoner. *Weems v. United States* set the precedent for *Estelle v. Gamble* and *Wilson v. Seiter*, ruling that courts should prevent "coercive cruelty being exercised through other forms of punishment," and that the court

[287] Constitution of the United States of America, Amendment VIII.
[288] *Wilkerson v. Utah* 99 U.S. 130 (1878).

must use standards of decency to determine whether punishments were inflicted in order to help inmates become mature enough to re-integrate into society.[289] Inmates were unable to file charges that indicated a violation of their Eighth Amendment rights due to Justice Antonin Scalia's ruling in *Wilson v. Seiter* (1991)—which determined that cruel and unusual treatment during sentencing was dependent upon the declaring judge.[290] Utilizing the ruling in *Estelle v. Gamble* (1976), Justice Scalia claimed that the conditions of the physical prison were not part of violations against the Eighth Amendment.[291] These rulings allowed for loopholes in the justice system and abuses within the prison to occur without repercussions for the guards who meted out the punishment, thus legalizing racial disenfranchisement and racism in the American justice system.

Figure 17: Dr. Noah Burnstein's experimentation on Carl Lucas in *Luke Cage: Hero for Hire*.

Source: Archie Goodwin, illus. George Tuska, *Luke Cage: Hero for Hire #1* (New York: Marvel Comics, 1972), 16.

The *Hero for Hire* and *Marvel's Luke Cage* series portray the cruel and unusual punishments that occur within the prison system. Applying the verdict from *Wilkerson v.*

[289] *Weems v. United States*, 217, U.S. 349 (1910).
[290] Dayan, "The Story of 'Cruel and Unusual.'"
[291] Amy Newman, "Eighth Amendment – Cruel and Unusual Punishment and Conditions Cases," *Journal of Criminal Law and Criminology* 82 (1992): 982.

Utah, which acknowledges the vague wording of the Eight Amendment, it can be argued that since the abuse that Cage faces while incarcerated was not a part of his original sentencing, violations of the Eighth Amendment could not be shown. The only way for Cage to escape his

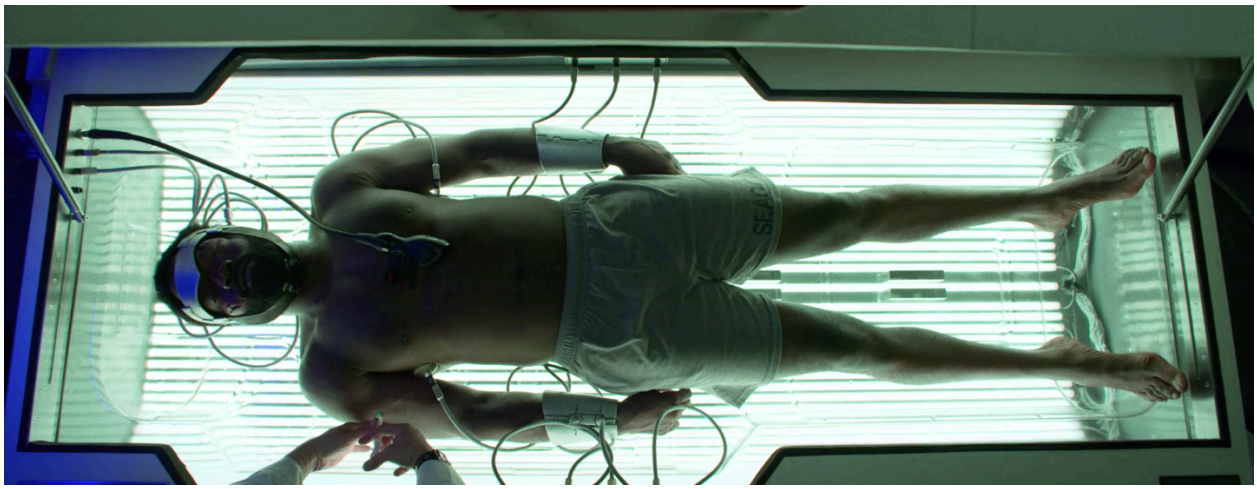

Figure 18: Dr. Noah Burnstein's experimentation on Carl Lucas in *Marvel's Luke Cage*.

Source: *Marvel's Luke Cage*, Episode 4, "Step in the Arena," *Netflix*, 53:00, 30 September 2016.

cruel and unusual punishment was volunteering for Burstein's experiment; but, even during the experiment, Cage was subjected to cruel actions. The only way Cage could truly escape the cruelties was to escape from Seagate Prison. Although Cage was able to escape successfully from Seagate, once out in the real world, Cage faced a new type of punishment: the declaration of his death, being stripped of his rights as an American citizen. The justice system failed Carl Lucas, legally and metaphorically killing him. In attempts to survive in a stateless status, Luke Cage emerges from Carl Lucas' ashes, and Cage is able to capitalize off of the prison's medical experimentation, making a living for himself protecting his community. Ultimately, in both series, Cage becomes a hero who advocates for the marginalized, the incarcerated, the racially profiled, and the economically and socially oppressed.

CONCLUSION:

Often seen as childish characters, superheroes are ridiculed in American culture, relegated to the realm of adolescence, polluted with charges of racism and sexism, and accused of encouraging juvenile delinquency.[292] However, at certain cultural moments, superheroes have proven to embody significant, relevant political and cultural issues, such as black radicalism and the Black Lives Matter movement, as seen through Luke Cage.[293] Looking at the superhero Luke Cage, Cage can be framed as a reemerging political and cultural representation of black rage and black need during times of racial polarization and mass black incarceration in the United States and as an unfortunately temporary symbol of black defiant strength against white aggression and oppression. The appearance and popularity of *Luke Cage: Hero for Hire* (1972-1973) and *Marvel's Luke Cage* (2016-) coincide with blacks challenging white oppression through the rise

[292] In January 1950, a Special Committee to Investigate Crime in Interstate Commerce was formed to investigate the rise of juvenile delinquency in the United States; the culmination of the investigation stated that the increase in juvenile delinquency was directly related to the rise of the comic book crime genre. Dr. Fredric Wertham, a New York based doctor and expert witness in the Senate hearings on comics, argued that comic books desensitized children to violence, and he highlighted the point that a common factor in all juvenile delinquency cases were exposure to comic books. The debate surrounding the publication, content, and distribution of comic books culminated in Senate Resolution 89 of the Eighty-Third United States Congress, which determined that graphic novels from the horror and crime genre contributed to delinquent behavior in children. Bart Beaty, *Fredric Wertham and the Critique of Mass Culture: A Re-Examination of the Critic Whose Congressional Testimony Sparked the Comics Code* (Jackson: University Press of Mississippi, 2005), 119. Marc Singer, "'Black Skins' and White Masks: Comic Books and the Secret of Race," *African American Review* 36 (2992): 108. Senate Committee on the Judiciary, "'Violent Death in Every Form Imaginable': A Senate Report Assesses 'Crime and Horror Comic Books,'" *Comic Books and Juvenile Delinquency*, Interim Report, 1955 (Washington, D.C.: United States Government Printing Office, 1955). David Hajdu, *The Ten-Cent Plague: The Great Comic-Book Scare and How It Changed America* (New York: Picador, 2008), 172-173.

[293] Jessamyn Neuhaus, "How Wonder Woman Helped My Students 'Join the Conversation:' Comic Books as Teaching Tools in a History Methodology Course," in *Comic Books and American Cultural History: An Anthology*, ed Matthew Pustz, 11-25 (New York: Continuum International Publishing Group, 2012). Bridget M. Marshall, "Comics as Primary Sources The Case of *Journey into Mohawk Country,*" in *Comic Books and American Cultural History: An Anthology*, ed Matthew Pustz (New York: Continuum International Publishing Group, 2012), 26-39. Karin Kukkonen and Gideon Haberkon, "Workshop 1: Toward a Toolbox of Comics Studies," in *Comics as a Nexus of Cultures Essays on the Interplay of Media, Disciplines and International Perspectives*, ed Mark Berninger, Jochen Ecke, and Gideon Haberkorn (Jefferson: McFarland & Company, Inc., 2010), 237-244. Bradford Wright, *Comic Book Nation: The Transformation of Youth Culture in America* (Baltimore: The John Hopkins University Press, 2001). Joseph Witek, *Comic Books as History: The Narrative Art of Jack Jackson, Art Spiegelman, and Harvey Peaker* (Jackson: University Press of Mississippi, 1989).

of black radicalism and the Black Lives Matter movement, while showing how white aggression has permeated America's criminal justice system to repeatedly persecute blacks.

In order to appeal to a broad audience in the 1970s, producers and directors would avoid including blatant political commentary in their cultural products. Genres like blaxploitation placed ideological rhetoric rooted in the black power movement into their films.[294] The introduction and revival of the superhero Luke Cage has suggested how popular culture uses fictional characters to address the political and social climate and emerging issues in America. In regard to Cage, his initial appearance in *Hero for Hire #1* addressed black radicalism of the 1970s, while *Marvel's Luke Cage* showcased the Black Lives Matter movement; both series highlighted how Cage embodied black America's ability to trump white oppression and aggression as seen through racial profiling and mass black incarceration. Popular culture in the twenty-first century is becoming saturated with commentary on social injustice and political agendas in American society. Television series and films such as *Orange is the New Black* (2013-), *Black-ish* (2014-), *Empire* (2015-), *Marvel's Luke Cage* (2016), *Moonlight* (2016), and *Get Out* (2017) reference high rates of black mass incarceration and the subconscious racism still embedded within American society, showing how the issue of mass incarceration is permeating popular culture. Based on the 1972 series, the twenty-first century revitalization of Luke Cage has come to represent the strength of the black community, highlighting the resiliency of African Americans despite the high levels of over-policing, police brutality, racial stratification, and mass incarceration.

Connections between the mass incarceration of African Americans and black radicalism are established in both Marvel's 1972-1973 *Luke Cage: Hero for Hire* comic book series and

[294] Katherine Bausch, "Superflies into Superkillers: Black Masculinity in Film from Blaxploitation to New Black Realism," *The Journal of Popular Culture* 46 (2013): 261.

Netflix's 2016 *Marvel's Luke Cage* television series. In both series, Luke Cage represents an African American prisoner who is able to use his strength, masculinity, and impenetrable skin as powerful tools to fight crime as a reluctant hero while also raising awareness of the deplorable conditions of the prison, the struggles of African Americans' fight for social equality, and the development of the fourth peculiar institution emerging in America. *Luke Cage: Hero for Hire* is representative of the increasing problem of African American mass incarceration and the rise of black radical ideas. Following the life of Cage before and after incarceration, the comic book series shows the struggles African Americans face in a white society: unjust prison sentences and racialized targeting of black men. Luke Cage and his story only lasted sixteen issues; however, with the creation of *Marvel's Luke Cage*, Cage has gained appeal with a new generation and has become a pertinent character once again.[295] The 2016 Netflix series openly addresses the proliferated racial targeting of African Americans and the prominence of a new black activism in the twenty-first century. The struggles Cage endures, and the symbolic representation of his powers in both series, are relevant reminders of the significant historical intersections between this character and the emergence of black radical movements and an increasing focus on the prison industrial complex.

While *Luke Cage: Hero for Hire* broke the barrier for African American superheroes in mainstream American comics, *Marvel's Luke Cage* is breaking the barrier for African American superheroes on television. The development of Cage's character redefines the role of a hero, and more importantly, the ethnic identification of an American hero. Cage's origin story is the product of Marvel writer, Stan Lee, and artist, Jack Kirby, expressing Marvel's core philosophy

[295] The Black Panther is the first African superhero to appear in an American comic book. The Black Panther character first appeared in Marvel's *Fantastic Four #52* (1966), and in 1976 he gained his own title series. Black Panther serves as an alias for T'Challa, a monarch of the fictional African kingdom of Wakanda, a scientist, and a former educator.

that "stories should reflect the world outside our window, in all of its diversity."[296] Lee and Kirby intended their heroes to be "real people who argued among themselves, made mistakes, and had feet of clay."[297] Marvel's characters would be known to have flawed personalities, real-life personal problems, and the ability to allude to social issues that affected their audiences. Recognizing its ability to reach a broad audience, Marvel's 1972 and 2016 Luke Cage series capitalized upon the series popularity, making Cage into a story that reflects "the world outside the window, in all of its diversity."[298] Both series have epitomized the dangers many black Americans battled during the 1960s and 1970s and well into the the twenty-first century through the socio-economic commentary in Cage's origin story, mass incarceration.

Marvel's Luke Cage reintroduced Cage's character during a time when an innocent ex-convict, who is bulletproof, was required to highlight the injustices meted out to the black community in the twenty-first century. The relationship between *Marvel's Luke Cage* and the BLM movement is seen through the conditions that caused Cage to become equipped with bulletproof skin: incarceration, oppression, policing, and racism. Academics such as Jamala Rogers and Tyrone C. Howard have established a correlation between the Black Lives Matter movement and 1970s black radicalism. These overlapping histories highlight how theories of policing, oppression, racism are interconnected with what historians Tef Poe, Robin D. G. Kelley, and Jamala Rogers call "the United States government's war on the black community": mass incarceration.[299] Comparative ethnic historian Dan Berger noted the utilization of

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[296] DMC et al, "Trace the Lineage of Marvel's Black Super Heroes: From Black Panther to Mile Morales, follow Marvel's black heroes with DMC, Pete Rock, MF Grimm, Ron Wimberly, and Alex Alonso," *Marvel Comics*, 28 February 2014, accessed 30 April 2015. http://marvel.com/news/comics/22049/trace_the_lineage_of_marvels_black_super_heroes.
[297] Tom Delfaco, "1960s," in *Marvel Chronicle: A Year by Year History*, eds. Catherine Saunders, Heather Scott, Julia March, Alastair Dougall (New York: DK Publishing, 2008), 81.
[298] DMC et al, "Tracing the Lineage of Marvel's Black Super Heroes."
[299] Green II et al, 14.

incarceration during the Civil Rights movement when he argued that "civil rights activists needed to go to jail to be taken seriously," and that the movement "transformed jails and prisons from dungeons of shame to havens of freedom and justice."[300] Berger recognized that while Civil Rights activists utilized prisons to raise awareness of their demands, incarceration was historically and fundamentally a system of "criminal justice bound up with anti-black racism [where] black communities have been disproportionately harassed, policed, arrested, tried, convicted, confined, killed, and generally thought to be deserving of punishment."[301] The mass incarceration of African Americans became a focal point for new areas of academic research and reform in the 1970s. Angela Davis deemed the development of a new form of activism the "critical prison reform" movement, and highlighted the implications of the prison industrial complex in society.[302] In moving from the 1970s to the twenty-first century, the mass incarceration of African Americans remains a prominent issue in America.

The popularity of Netflix's *Luke Cage* series symbolizes a rise in America's fascination with and repulsion for the racialized targeting and mass incarceration of blacks and the racial stratfication of underserved groups to suppress the black body. When Cage's powers were unleashed from their dormant stasis within his biometric make-up, he became a powerful, symbolic figure able to overcome the failures and weaknesses of the American legal system. The resurgence of Luke Cage's character demonstrates both the public's and Marvel's recognition of law enforcement's racial targeting of African Americans, and the difficulities of reconstructing how the national conciousness perceives race and racism. When *Luke Cage: Hero for Hire* debuted in 1972, the character of Luke Cage denoted the heightened awareness of mass

[300] Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: The University of North Carolina Press, 2014), 36-37.
[301] Ibid, 5.
[302] Davis, *Are Prisons Obsolete?*, 20.

incarceration and the police's racialized targeting of blacks. *Marvel's Luke Cage*'s hoodie should likewise become an iconic symbol for police brutality and the unjust deaths of many young black men, but specifically Trayvon Martin, who inspired a mass political movement. The struggles that Luke Cage faces in both series reflect political and social commentary regarding 1970s black radicalization, the mass incarceration of blacks, contemporary police brutality, and the Black Lives Matter movement in eras in need of a bulletproof black man.

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